S. HRG. 100-998

# OMNIBUS OREGON WILD AND SCENIC RIVERS ACT OF 1988

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## HEARINGS

BEFORE THE

SUBCOMMITTEE ON
PUBLIC LANDS, NATIONAL PARKS AND FORESTS

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

SECOND SESSION

ON

## S. 2148

TO AMEND THE WILD AND SCENIC RIVERS ACT OF 1968, AND FOR OTHER PURPOSES

OREGON CITY, OR, MAY 3, 1988
BEND, OR, MAY 30, 1988
GRANTS PASS, OR, JUNE 1, 1988
WASHINGTON, DC, JULY 26, 1988

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# OMNIBUS OREGON WILD AND SCENIC RIVERS ACT OF 1988

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TUESDAY, MAY 3, 1988

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS,
NATIONAL PARKS AND FORESTS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
*Oregon City, OR.*

The subcommittee met, pursuant to notice, at 8 a.m., in the Oregon City Municipal Community Center, Hon. Mark O. Hatfield, presiding.

## OPENING STATEMENT OF HON. MARK O. HATFIELD, U.S. SENATOR FROM OREGON

Senator **HATFIELD**. The hearing will please come to order. And we want to welcome everyone who has come not only to participate but those who have come to observe.

It's good to be in Oregon City this morning, and I personally appreciate the high level of interest that has been demonstrated on the management of the future of our river resources.

This is an official hearing of the Subcommittee on Public Lands, National Parks and Forests, and the purpose of the hearings today is to receive the testimony on S. 2148, the Omnibus Oregon Wild and Scenic Rivers Act of 1988.

I would like to thank Senator Johnston, chairman of the full Committee on Energy and National Resources and Senator Bumpers, chairman of this subcommittee for agreeing to schedule this hearing. I very much appreciate their fine cooperation on this matter.

Senator Packwood and I introduced S. 2148 on March the 4th, 1988, and this morning is the first of a series of Oregon field hearings which will be held on the legislation over the next several weeks.

As many of you know, this bill will add at least 103 segments of 40 rivers to the Federal Wild and Scenic Rivers system. This represents the largest single effort to enlarge the Wild and Scenic Rivers system in the lower 48 since Congress enacted the law for the Wild and Scenic Act in 1968, which I was pleased to co-sponsor.

Currently only four Oregon rivers, portions of the Owyhee, Rogue, Illinois, and Snake Rivers, totalling just 317 miles are protected under the Wild and Scenic Act. Senate Bill 2148 would add 1705.5 additional miles of Oregon rivers to the system.

In developing the description of the river segments to be included in this Bill, I drew on information from the draft of land management planning process from both the Forest Service and the Bureau of Land Management.

The purpose of this and future hearings is to evaluate the qualities of each of these river segments and determine whether they possess extraordinary natural values necessary for inclusion in the Federal system.

[The text of S. 2148 follows:]

II

100TH CONGRESS
2D SESSION

# S. 2148

To amend the Wild and Scenic Rivers Act of 1968, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 4 (legislative day, MARCH 2), 1988

Mr. HATFIELD (for himself and Mr. PACKWOOD) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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# A BILL

To amend the Wild and Scenic Rivers Act of 1968, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be referred to as the "Omnibus Oregon Wild and Scenic Rivers Act of 1988".

**SEC. 2. AMENDMENTS TO THE WILD AND SCENIC RIVERS ACT.**

Section 3(a) of the Wild and Scenic Rivers Act (Public Law 90–542, 82 Stat. 907), as amended, is further amended by adding the following new paragraphs at the end thereof:

"( ) DESCHUTES, OREGON.—

"(A) the 40.4-mile segment from Wickiup Dam to the northern boundary of Sunriver at the southwest quarter of section 20, township 19 south, range 11 east, as a recreational river; to be administered by the Secretary of Agriculture.

"(B) the eleven-mile segment from the northern boundary of Sunriver at the southwest quarter of section 20, township 19 south, range 11 east, to Lava Island Camp as a scenic river; to be administered by the Secretary of Agriculture;

"(C) the three-mile segment from Lava Island Camp to the Bend Urban Growth Boundary at the southwest corner of section 13, township 18 south, range 11 east, as a recreational river; to be administered by the Secretary of Agriculture;

"(D) the nineteen-mile segment from Oden Falls to the Upper End of Lake Billy Chinook as a scenic river; to be administered by the Departments of the Interior and Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President;

"(E) the forty-eight-mile segment from the Pelton Reregulating Dam to Bakeoven Creek as a scenic river; to be administered by the Secretary of the Interior;

"(F) the 28.4-mile segment from Bakeoven Creek to Macks Canyon as a recreational river; to be administered by the Secretary of the Interior; and

"(G) the 23.6-mile segment from Macks Canyon to the confluence with the Columbia River as a scenic river; to be administered by the Secretary of the Interior.

"( ) LITTLE DESCHUTES, OREGON.—The ninety-seven-mile segment from its source to its confluence with the main stem of the Deschutes River as a recreational river; to be administered by the Secretary of Agriculture.

"( ) METOLIUS, OREGON.—The twenty-nine-mile segment from its source to Lake Billy Chinook as a recreational river; to be administered by the Secretary of Agriculture.

"( ) SYCAN, OREGON.—The 58.3-mile segment from the South Fork to Coyote Bucket at the Fremont National Forest boundary as a scenic river; to be administered by the Secretary of Agriculture.

"( ) NORTH FORK SPRAGUE, OREGON.—The 25.3-mile segment from the Fremont National Forest boundary in the southwest quarter of section 3, township 36 south, range 14 east, to the head of River Spring in the southwest quarter of section 15, township 35 south, range 16 east; to be administered by the Secretary of Agriculture in the following classes:

"(A) the four-mile segment from the Fremont National Forest boundary in the southwest quarter of section 3, township 36 south, range 14 east, to Forest Road 3411 in the northwest quarter of section 36, township 35 south, range 14 east, as a recreational river; and

"(B) the 21.3-mile segment from Forest Road 3411 in the northwest quarter of section 36, township 35 south, range 14 east, to the head of River Spring in the southwest quarter of section 15, township 35 south, range 16 east, as a scenic river.

"( ) ROARING, OREGON.—The 13.7-mile segment from its headwaters to its confluence with the Clackamas River; to be administered by the Secretary of Agriculture in the following classes:

"(A) the segment from its headwaters to one-quarter mile upstream of the mouth as a wild river; and

"(B) the segment from one-quarter mile upstream of the mouth to its confluence with the Clackamas River as a recreational river.

"( ) Salmon, Oregon.—The 33.5-mile segment from its headwaters to its confluence with the Sandy River in the following classes:

"(A) the half-mile segment from its headwaters to one-half mile downstream as a recreational river; to be administered by the Secretary of Agriculture;

"(B) the 6.5-mile segment from one-half mile from the headwaters to the northern edge of Salmon River Meadows as a scenic river; to be administered by the Secretary of Agriculture;

"(C) the fifteen-mile segment from the northern edge of Salmon River Meadows to the junction with the south fork of the Salmon River as a wild river; to be administered by the Secretary of Agriculture;

"(D) the 3.5-mile segment from the junction with the south fork of the Salmon River to the Mt. Hood National Forest boundary as a recreational river; to be administered by the Secretary of Agriculture;

"(E) the 3.2-mile segment from the Mt. Hood National Forest boundary to Lymp Creek as a recreational river; to be administered by the Secretary of the Interior; and

"(F) the 4.8-mile segment from Lymp Creek to its confluence with the Sandy River as a scenic river; to be administered by the Secretary of the Interior.

"( ) Clackamas, Oregon.—The forty-nine-mile segment from Big Springs to Big Cliff; to be administered by the Secretary of Agriculture in the following classes:

"(A) the four-mile segment from Big Springs to the Forest Service Road 4690 bridge as a scenic river;

"(B) the six-mile segment from the Forest Service Road 4690 bridge to the junction with Oregon State Highway 224 as a recreational river;

"(C) the nine-mile segment from Oregon State Highway 224 to the June Creek Bridge as a scenic river;

"(D) the ten-mile segment from the June Creek Bridge to Tar Creek as a recreational river; Tar Creek to just south of Indian Henry Campground as a scenic river; and

"(e) the six-mile segment from

"(F) the fourteen-mile segment just south of Indian Henry Campground to Big Cliff as a recreational river.

"( ) White, Oregon.—The 47.1-mile segment from its headwaters to its confluence with the Deschutes River in the following classes:

"(A) the two-mile segment from its headwaters to the section line between sections 9 and 16, township 3 south, range 9 east, as a scenic river; to be administered by the Secretary of Agriculture;

"(B) the 13.6-mile segment from the section line between sections 9 and 16, township 3 south, range 9 east, to Klip Creek as a recreational river; to be administered by the Secretary of Agriculture;

"(C) the 6.5-mile segment from Klip Creek to the Mt. Hood National Forest boundary as a wild river; to be administered by the Secretary of Agriculture;

"(D) the 19.2-mile segment from the Mt. Hood National Forest boundary to the Highway 197 bridge as a wild river; to be administered by the Departments of the Interior and Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President; and

"(E) the 5.8-mile segment from the Highway 197 bridge to its confluence with the Deschutes River as a recreational river; to be administered by the Departments of the Interior and Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President.

"( ) NORTH FORK CROOKED, OREGON.—The 32.3-mile segment from its source at Williams Prairie to one mile from its confluence with the Crooked River; to be administered by the Departments of the Interior and Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President in the following classes:

"(A) the three-mile segment from its source at Williams Prairie to the Upper End of Big Summit Prairie as a recreational river;

"(B) the 3.7-mile segment from the Lower End of Big Summit Prairie to the bridge across from the Deep Creek Campground as a recreational river;

"(C) the eight-mile segment from the bridge across from the Deep Creek Campground to the Ochoco National Forest boundary, one-half mile from Lame Dog Creek, as a scenic river.

"(D) the three-mile segment from the Ochoco National Forest boundary, one-half mile from Lame Dog Creek, to Fox Canyon Creek as a recreational river;

"(E) the 9.6-mile segment from Fox Canyon Creek to Committee Creek as a wild river; and

"(F) the five-mile segment from Committee Creek to one mile from its confluence with the Crooked River as a recreational river.

"( ) CROOKED, OREGON.—

"(A) The 9.3-mile segment from the National Grassland boundary to Lake Billy Chinook, one mile west of Highway 97, as a recreational river; to be administered by the Secretary of Agriculture; and

"(B) the eight-mile segment from Bowman Dam to Dry Creek as a recreational river; to be administered by the Secretary of the Interior.

"( ) UPPER ROGUE, OREGON.—The 40.3-mile segment from the Crater Lake National Park boundary to the Rogue River National Forest boundary; to be administered by the Secretary of Agriculture in the following classes:

"(A) the 6.6-mile segment from the Crater Lake National Park boundary to Minehaha Creek as a wild river; and

"(B) the 33.7-mile segment from Minehaha Creek to the Rogue River National Forest boundary as a scenic river.

"( ) CHETCO, OREGON.—The 41.5-mile segment from its headwaters to the Siskiyou National Forest boundary; to be administered by the Secretary of Agriculture in the following classes:

"(A) The 25.5-mile segment from its headwaters to Boulder Creek at the Kalmiopsis Wilderness boundary as a wild river;

"(B) the eight-mile segment from Boulder Creek to Steel Bridge as a scenic river; and

"(C) the eight-mile segment from Steel Bridge to the Siskiyou National Forest boundary, one mile below Wilson Creek, as a recreational river.

"( ) NORTH FORK SMITH, OREGON.—The thirteen-mile segment from its headwaters to the Oregon-California stateline; to be administered by the Secretary of Agriculture in the following classes:

"(A) the 6.5-mile segment from its headwaters to Horse Creek as a wild river;

"(B) the 4.5-mile segment from Horse Creek to Baldface Creek as a scenic river; and

"(C) the two-mile segment from Baldface Creek to the Oregon-California stateline as a wild river.

"( ) GRANDE RONDE, OREGON.—The forty-five-mile segment from its confluence with the Wallowa River to the Oregon-Washington stateline in the following classes:

"(A) the eighteen-mile segment from its confluence with the Wallowa River to Grossman Creek as a wild river; to be administered by the Secretary of Agriculture;

"(B) the twelve-mile segment from Grossman Creek to Wildcat Creek as a wild river; to be administered by the Departments of the Interior and Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President; and

"(C) the fifteen-mile segment from Wildcat Creek to the Oregon-Washington stateline as a recreational river; to be administered by the Departments of the Interior and Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President.

"( ) WENAHA, OREGON.—The 18.7-mile segment from the junction of the North Fork and the South Fork to the Umatilla National Forest boundary at River Mile 3 as a wild river; to be administered by the Secretary of Agriculture.

"( ) NORTH FORK JOHN DAY, OREGON.—The 109.2-mile segment from its headwaters in the North Fork of the John Day Wilderness at section 13, township 8 south, range 36 east, to its confluence with the John Day River; to be administered by the Departments of the Interior and Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President in the following classes:

"(A) the 3.5-mile segment from its headwaters in the North Fork of the John Day Wilderness at section 13, township 8 south, range 36 east, to the North Fork of the John Day Wilderness boundary as a wild river;

"(B) the seven-mile segment from the North Fork of the John Day Wilderness boundary to Trail Creek as a recreational river;

"(C) the 24.3-mile segment from Trail Creek to Big Creek as a wild river;

"(D) the 10.5-mile segment from Big Creek to Texas Bar Creek as a scenic river;

"(E) the 3.9-mile segment from Texas Bar Creek to the Umatilla National Forest boundary as a recreational river;

"(F) the twenty-one-mile segment from the Umatilla National Forest boundary to Mallory Creek as a recreational river;

"(G) the 16.4-mile segment from Mallory Creek to Wall Creek as a wild river; and

"(H) the 22.6-mile segment from Wall Creek to its confluence with the John Day River as a recreational river.

"( ) NORTH UMPQUA, OREGON.—The 33.8-mile segment from the Soda Springs Powerhouse to Rock Creek as a recreational river; to be administered by the Departments of the Interior and Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President.

"( ) JOSEPH CREEK, OREGON.—The thirty-two-mile segment from Crow Creek Bridge to the Oregon-Washington stateline in the following classes:

"(A) the six-mile segment from the Crow Creek Bridge to Joseph Creek Ranch, one mile downstream from Cougar Creek, as a recreational river; to be administered by the Secretary of Agriculture;

"(B) the ten-mile segment from Joseph Creek Ranch, one mile downstream from Cougar Creek, to the Wallowa-Whitman National Forest boundary as a wild river; to be administered by the Secretary of Agriculture; and

"(C) the sixteen-mile segment from the Wallowa-Whitman National Forest boundary to the Oregon-Washington stateline as a wild river; to be administered by the Departments of the Interior and Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President.

"( ) LOSTINE, OREGON.—The nineteen-mile segment from its headwaters to the Wallowa-Whitman National Forest boundary; to be administered by the Secretary of Agriculture in the following classes:

"(A) the four-mile segment from its headwaters to the Eagle Cap Wilderness boundary as a wild river; and

"(B) the fifteen-mile segment from the Eagle Cap Wilderness boundary to the Wallow-Whitman National Forest boundary at Silver Creek as a recreational river.

"( ) NORTH FORK POWDER, OREGON.—The six-mile segment from its headwaters to the Wallowa-Whitman National Forest boundary at River Mile 20 as a wild river; to be administered by the Secretary of Agriculture.

"( ) EAGLE CREEK, OREGON.—The twenty-two-mile segment from its headwaters to the Wallowa-Witman National Forest boundary at Skull Creek; to be administered by the Secretary of Agriculture in the following classes:

"(A) the four-mile segment from its headwaters to the Eagle Cap Wilderness boundary at Hummingbird Mountain as a wild river; and

"(B) the eighteen-mile segment from the Eagle Cap Wilderness boundary at Hummingbird Mountain to the Wallowa-Whitman National Forest boundary at Skull Creek as a recreational river.

"( ) MCKENZIE, OREGON.—

"(A) The 2.2-mile segment from Tamolitch Falls to the maximum pool at Trail Bridge Reservoir as a recreational river; to be administered by the Secretary of Agriculture; and

"(B) the 13.1-mile segment from the base of the developments at Trail Bridge Dam to the McKenzie Bridge as a recreational river; to be administered by the Secretary of Agriculture.

"( ) LOWER WILIAMSON, OREGON.—The twenty-five-mile segment from the western boundary of the Winema

National Forest to Upper Klamath Lake; to be administered by the Secretary of Agriculture in the following classes:

"(A) the seven-mile segment from the western boundary of the Winema National Forest to Collier State Park as a scenic river; and

"(B) the eighteen-mile segment from Collier State Park to Upper Klamath Lake as a recreational river.

"( ) BIG MARSH CREEK, OREGON.—The thirteen-mile segment from the northeast quarter of section 15, township 26 south, range 6 east, to its confluence with Crescent Creek in the northeast quarter of section 20, township 24, south, south, range 7 east, as a recreational river; to be administered by the Secretary of Agriculture.

"( ) CRESCENT CREEK, OREGON.—The eighteen-mile segment from the southwest quarter of section 11, township 24 south, range 6 east, to its confluence with the Little Deschutes River in the northeast quarter of section 4, township 24 south, range 9 east, as a recreational river; to be administered by the Secretary of Agriculture.

"( ) IMNAHA, OREGON.—The sixty-eight-mile segment from the confluence of the North and South Forks of the Imnaha River to its mouth; to be administered by the Secretary of Agriculture in the following classes:

"(A) the six-mile segment from the confluence of the North and South Forks of the Imnaha River to Indian Crossing as a wild river;

"(B) the ten-mile segment from Indian Crossing to Ollokot Campground at Dry Creek as a recreational river;

"(C) the forty-eight-mile segment from Ollokot Campground at Dry Creek to Cow Creek as a recreational river; and

"(D) the four-mile segment from Cow Creek to the mouth of the river as a scenic river.

"( ) SOUTH FORK IMNAHA, OREGON.—The nine-mile segment from its headwaters to the confluence with the Imnaha River as a wild river; to be administered by the Secretary of Agriculture.

"( ) MINAM, OREGON.—The twenty-three-mile segment from its headwaters to the Eagle Cap Wilderness boundary, one mile downstream from Cougar Creek, as a wild river; to be administered by the Secretary of Agriculture.

"( ) NESTUCCA, OREGON.—The 47.5-mile segment from its headwaters to its mouth at Nestucca Bay in the following classes:

"(A) the twelve-mile segment from its headwaters to the eastern Siuslaw National Forest boundary as a recreational river; to be administered by the Secretary of the Interior; and

"(B) the 35.5-mile segment from the eastern Siuslaw National Forest boundary to its mouth at Nestucca Bay as a recreational river; to be administered by the Secretary of Agriculture.

"( ) ALSEA, OREGON.—The seventy-four-mile segment from its headwaters, including the North and South Forks, to its mouth at Alsea Bay in the following classes:

"(A) the five-mile segment of the South Fork Alsea from its headwaters to Fall Creek as a scenic river; to be administered by the Secretary of the Interior;

"(B) the ten-mile segment of the South Fork Alsea from Fall Creek to its confluence with the North Fork Alsea as a recreational river; to be administered by the Secretary of the Interior;

"(C) the 1.5-mile segment of the North Fork Alsea from its headwaters to Racks Creek as a recreational river; to be administered by the Secretary of the Interior;

"(D) the 8.2-mile segment of the North Fork Alsea from Racks Creek to Bailey Creek as a scenic river; to be administered by the Secretary of the Interior;

"(E) the 5.3-mile segment of the North Fork Alsea from Bailey Creek to its confluence with the South Fork Alsea as a recreational river; to be administered by the Secretary of the Interior;

"(F) the seventeen-mile segment from the confluence of the North and South Forks to the Siuslaw National Forest boundary as a recreational river; to be administered by the Secretary of the Interior; and

"(G) the twenty-seven-mile segment from the eastern Siuslaw National Forest boundary to its mouth at Alsea Bay as a recreational river; to be administered by the Secretary of Agriculture.

"(  ) QUARTZVILLE CREEK, OREGON.—The 8.7-mile segment from the Willamette National Forest boundary to Slack Water in Green Peter Reservoir as a recreational river; to be administered by the Secretary of the Interior.

"(  ) SOUTH FORK JOHN DAY, OREGON.—The forty-eight-mile segment from the Malheur National Forest to its confluence with the John Day River as a recreational river; to be administered by the Secretary of the Interior.

"(  ) JOHN DAY, OREGON.—The 202-mile segment from its confluence with the South Fork John Day River to Tumwater falls; to be administered by the Secretary of the Interior in the following classes:

"(A) the 128-mile segment from its confluence with the South Fork John Day River to Thirty Mile Creek as a recreational river;

"(B) the thirty-one-mile segment from Thirty Mile Creek to East Ferry Canyon as a wild river; and

"(C) the forty-three-mile segment from East Ferry Canyon to Tumwater Falls as a recreational river.

"( ) SOUTH FORK CROOKED, OREGON.—The twenty-five-mile segment from Logan Reservoir to its mouth; to be administered by the Secretary of the Interior in the following classes:

"(A) the ten-mile segment from Logan Reservoir to Twelve Mile Creek as a recreational river;

"(B) the seven-mile segment from Twelve Mile Creek to Bill Jake Hollow as a wild river; and

"(C) the eight-mile segment from Bill Jake Hollow to its mouth as a scenic river.

"( ) DONNER UND BLITZEN, OREGON.—The 68.5-mile segment from its headwaters to the southern boundary of the Malheur National Wildlife Refuge, including major tributaries, as a wild river; to be administered by the Secretary of the Interior as follows:

"(A) the 16.75-mile segment of the Donner und Blitzen from the confluence of the South Fork Blitzen and Little Blitzen;

"(B) the 12.5-mile segment of the Little Blitzen from its headwaters to its confluence with the South Fork Blitzen;

"(C) the 12.25-mile segment of the South Fork Blitzen from its headwaters to its confluence with the Little Blitzen;

"(D) the ten-mile segment of Big Indian Creek from its headwaters to its confluence with the South Fork Blitzen;

"(E) the 3.7-mile segment of Little Indian Creek from its headwaters to its confluence with Big Indian Creek; and

"(F) the 13.25-mile segment of Fish Creek from its headwaters to its confluence with the Donner und Blitzen.

"( ) POWDER, OREGON.—The 13.1-mile segment from Thief Valley Dam to the Highway 203 bridge; to be administered by the Secretary of the Interior in the following classes:

"(A) the two-mile segment from Thief Valley Dam to two miles below Thief Valley Dam as a recreational river;

"(B) the 8.2-mile segment from two miles below Thief Valley Dam to Big Creek as a wild river; and

"(C) the 2.9-mile segment from Big Creek to the Highway 203 bridge as a scenic river.

"( ) BURNT, OREGON.—The thirty-two-mile segment from Clarks Creek to Powell Creek as a recreational river; to be administered by the Secretary of the Interior.

"( ) NORTH FORK OWYHEE, OREGON.—The eight-mile segment from the Oregon-Idaho stateline to its confluence with Owyhee River as a wild river; to be administered by the Secretary of the Interior.

"( ) WEST LITTLE OWYHEE, OREGON.—The fifty-one-mile segment from its headwaters to its confluence with the Owyhee River as a wild river; to be administered by the Secretary of the Interior.".

○

Senator HATFIELD. Before I call our first witness, I would like to discuss the procedure we will follow today. As you will see from the witness list, all of you will be speaking in panels. This format helps us to save time and organize the testimony. Let me emphasize that appearing on a particular panel does not mean that you necessarily agree with those other persons on the panel. All of your views will be considered individually.

When your panel is called, please come to the witness table as quickly as possible. Please hold onto your written statements until the panel is called, and staff will collect your statements as you come forward and distribute them. If you are not testifying but have a written statement or letters for the hearings record, give them to a member of the staff at any time during the hearing.

Because of the large number of witnesses scheduled to appear this morning, it will be necessary to limit the oral testimony to three minutes. We will be using a timer so you can tell your time is up. Green means begin; yellow means you have one minute; and red means stop. This procedure will help keep things moving and give us more time for testimony from as many people as we can hear.

Additionally, the hearings record will remain open for two weeks to receive additional materials, statements, and so forth. And you can send those materials or statements to my office in Portland, which is in the Pioneer Courthouse; or Washington, DC; or United States Senate Committee on Energy and Natural Resources in Washington.

I also wanted to thank the Forest Service and Bureau of Land Management for their valuable assistance on this Bill. Both agencies have spent a significant amount of time already preparing maps and doing various analyses I have requested. Representatives of both agencies are in attendance this morning. I greatly appreciate their presence. The staff has been very, very helpful as always: Mike Salsgiver; Mark Walker of my staff; Tom Williams of our committee staff, who we have adopted as an honorary Oregonian because he has been out here, I think, on every hearing I have held on so many of the resource bills that have finally become law—Wilderness legislation, Hell's Canyon legislation, and others. I don't think, Tom, you were here, or were you with the National Seashores legislation?

Mr. WILLIAMS. No, sir. At least not Wilderness.

Senator HATFIELD. Yaquina Head, Cascade Head, Columbia Gorge, John Day Fossil Beds. On and on and on. I must always remind my constituents of this outstanding record which has no significance in matters relating to politics.

Finally I would like to welcome my colleague from the House, Congressman Denny Smith, who is joining me for today's hearing. It is a real pleasure for me to have Congressman Smith here this morning, and his presence will add an additional degree of prominence to these hearings.

As many of you know, Congressman Smith has introduced an identical version of Senate Bill 2148 in the House, and I am looking forward to working with him in the coming months as this bill moves forward.

And I'd like to invite the Congressman to make any opening statement he would wish to make.

## STATEMENT OF HON. DENNY SMITH, U.S. REPRESENTATIVE FROM OREGON

Mr. SMITH. Thank you, Senator Hatfield. I am pleased to join you today in what is the first step toward passage of landmark legislation aimed at protecting some of Oregon's most outstanding rivers. Your leadership on this issue has been crucial, and I know Oregonians in all walks of life appreciate your tireless efforts to make this proposal a reality.

As a House sponser of H.R. 4259 Wild and Scenic Rivers Bill identical to the Senate version, I want to thank you for the invitation to join you in this Senate Bill hearing.

I would also like to thank today's witnesses for their efforts and input. The current bill is a discussion draft, so it is important that any comments and petitions be brought to our attention early in the legislative process.

This Rivers Bill presents Oregon with an historic opportunity. It seeks to preserve approximately 1700 miles of pristine, free-flowing rivers. It's the largest single effort to expand the Wild and Scenic Rivers system in the lower 48 states since Congress enacted the Wild and Scenic Rivers Act in 1968.

I realize there are concerns relating to private property rights, water rights, and timber supply. By working together, I know that we as Oregonians can resolve these issues.

I have always been a strong advocate of genuine multiple use of Oregon's public lands. This bill fits in well with that multiuse concept. It will subdivide and manage certain river stretches in an effort to preserve our state's natural beauty.

I look forward to working with you, Senator Hatfield, and with other members of our Congressional delegation to protect the scenic areas that add to the quality of life for all Oregonians. Thank you.

Senator HATFIELD. Thank you, Congressman Smith. Let me add one or two brief addendums. For one, it's been interesting that since introducing this bill, I have had visits from a number of people from other states as to the possibility of piggybacking some additional rivers from their states on my particular bill in the Senate.

Also the fact that we only have 75 rivers in the entire National arrangement under the Wild and Scenic Rivers Act and we hope to add around 40 to Oregon in this one bill. You can see that it more than halves the number of rivers that we have now.

It's a very significant piece of legislation beyond the state of Oregon. It could really break loose some of the lack of action—stalemate that we've had since we enacted the Wild and Scenic Rivers Act 20 years ago. I can't account for why there have been so few rivers offered by over 500 people in the Congress from both the House and the Senate, that there have been so few bills introduced over the 20-year span. So this could be a very significant impact upon the whole Nation, Oregon once again leading the way.

The other mechanical thing I would like to suggest is the witnesses speak directly into the microphone. This is not, evidently, a simple pick-up system. So please speak into the microphone so all could hear.

At this time I would like to invite Panel 1 to come forward to begin the hearing, and these are our legislative people, the Honorable Grattan Kerans of Eugene, the Honorable Don Porter of McMinnville, and the Honorable Polly Casterline of the Multnomah County Commission.

Is the Commissioner Casterline present? She may be a little late.

We're very, very happy to have you here, and we welcome you this morning. It's nice of you to give us the benefit of your testimony. I'll let you decide which one will go first.

## STATEMENT OF DON PORTER, COMMISSIONER, YAMHILL COUNTY, McMINNVILLE, OR

Mr. **Porter**. Good morning Senator, Congressman. It's a real pleasure. I am Don Porter from Yamhill County Commission, McMinnville, Oregon. Water planning and community land-use planning go hand in hand. I would like to point out how important water planning, and specifically the upper Nestucca River supply areas, are to land-use planning in Yamhill county and particularly in the McMinnville vicinity.

Water planning has a direct effect on decisions related to four areas of land-use planning. These areas are—I would like to touch on each one briefly.

No. 1. Urban growth boundaries and urban reserve areas. Urban growth boundaries identify areas where urbanization may or will likely occur in the future. They establish where municipal water may or will be supplied. Without knowledge of the availability of water to the McMinnville urban growth area, the Urban Reserve Area can't be properly planned.

No. 2. Economic development. Most economic development depends upon creating new jobs. Many of these jobs are industrial related and may have high-water use demands. Unless the city has some assurance of water availability, we can't zone land appropriately for industry or attract industries to this area.

Annexation, No. 3. Many areas abutting cities could or should be annexed into the city because of the need or use of water services. Since annexation carries the responsibility of providing city services along with it, unless the city knows the extent of future water availability, they have to be conservative on policies on annexation and the needs of the community.

Sir, this is very important to us and we have specifically about—of our eight small communities, we have at least six which have dire water needs, and these are some things we as a county are specifically concerned about.

No. 4, Community Water Supplies. A number of rural and residential areas around the McMinnville area have developed their own water supplies. In many instances supplies are of poor quality, insufficient quantity, and systems that are inadequate.

In summary, unless the upper Nestucca River issue is finally resolved and the city has a known supply of water to deal with:

1. We cannot properly plan our urban growth boundary and Urban Growth Reserve in the area of Yamhill County.

2. We cannot properly plan for economic development.

3. We cannot properly plan for future annexation and we cannot properly do regional water and pollution control planning.

So therefore, sir, I wish you would take these into consideration. Thank you very much.

[The prepared statement of Mr. Porter follows:]

## THE INTER-DEPENDENCY OF WATER PLANNING AND COMMUNITY LAND USE PLANNING

Water planning and community land use planning go hand-in-hand. I'd like to point out how important water planning, and specifically, the upper Nestucca River supplies, are to land use planning in Yamhill County, and particularly, in the McMinnville vicinity.

Water planning has a direct affect on decisions related to 4 areas of land use planning. Those four are:

1) Decisions related to urban growth boundaries and urban reserve areas.
2) Decisions related to economic development, and particularly to industrial zoning.
3) Decisions related to annexation.
4) Decisions related to vicinity community water supplies.

I'd like to touch on each of those areas briefly.

### NUMBER 1: URBAN GROWTH BOUNDARIES AND URBAN RESERVE AREAS.

Urban growth boundaries identify areas where urbanization may or will likely occur in the future. They establish where municipal water may or will be supplied. Without knowledge of the availability of water, the McMinnville U.G.B. and Urban Reserve Area can't be properly planned.

### NUMBER 2: ECONOMIC DEVELOPMENT

Most economic development depends upon creating new jobs. Many of these jobs are industry related, and may have high water use demands. Unless the city has some assurance of water availability, we can't zone land as appropriate for industry, or attract industries to the area.

### NUMBER 3: ANNEXATION

Many areas abutting cities could or should be annexed into the city because of the need or use of city services. Since annexation carries the responsibility of providing city services along with it, unless the city knows the extent of future water availability, they have to have a conservative policy on annexation, regardless of the need by all parties involved.

### NUMBER 4: COMMUNITY WATER SUPPLIES

A number of rural residential areas around McMinnville have developed their own community water supplies. In many instances supplies are of poor quality or insufficient quantity, and systems are inadequate.

Because of the lack of future water assurance, the City has not been able to be of assistance to these vicinity systems, although some type of service arrangement would probably benefit all parties involved.

In addition to the already existing community systems, many other rural residential areas in the McMinnville vicinity need to be on community (that is, district, company or whatever) water systems. Most are dependent upon individually drilled wells which are:

Costly
Deplete ground water
Often provide poor quality water and
Sometimes are of insufficient quantity, and
In many instances, are totally inadequate

Because McMinnville is not assured of the extent of future water availability, the City and County have not been able to do the type of regional water planning that would be needed to form these areas into the districts or companies necessary to provide vicinity residents with the type of water supply required to alleviate the problems that many of areas experience.

In summary, unless the upper Nestucca River issue is satisfactorily resolved and the City has a known supply of water to deal with:

1) We can't properly plan our U.G.B. and Urban Reserve Areas;
2) We can't properly plan for economic development;
3) We can't properly plan for future annexations;
4) We can't properly do regional water (and pollution control) planning.

Unless additional upper Nestucca River water (or a reasonable alternative) is made available, we as a County won't be able to undertake the land use planning efforts needed to realize our full potential for economic well-being.

Thank you for your time!

Senator **Hatfield**. Thank you very much.

## STATEMENT OF HON. GRATTAN KERANS, STATE SENATOR, EUGENE, OR

Mr. **Kerans**. Senator, good morning. Grattan Kerans, State Senator from Eugene, member of the advisory council of the Oregon Rivers Council. I would like, with your permission, to read a letter which I will be submiting on behalf of myself and 30 other members of the Oregon Legislature in support of your legislation. And with your permission, I would like to reserve the original as there are others who have asked to add their names to this letter and submit it to you later, before June 15.

> Dear Senator Hatfield: As citizens and legislators, we commend you for your leadership in introducing legislation to begin the task of protecting the wild, scenic, and recreational values of Oregon's unique rivers. Your measure is the greatest single step taken in the 20-year history of the Wild and Scenic Rivers Act—since you, Senator, as one of the most ardent supporters of that original act know—and will preserve for all time many of the treasured sections of Oregon's great rivers.
>
> Along with our applause for this magnificent legislation, please accept our pledge of support for your bill. We recognize the need to prevent the degradation of Oregon's wild rivers and the continuation of the scenic and recreational values of the rivers included in your measure. We are prepared to give whatever assistance you request.
>
> Our support for your measure comes from the knowledge that inclusion of these rivers under the Wild and Scenic Rivers Act will give the highest level of protection to the rivers you have enumerated.
>
> Your bill takes a giant stride towards meeting the balance test included in the Wild and Scenic Rivers Act of 1968. By the most conservative estimate available, more than 4,000 river miles have been sacrificed in Oregon to dams and water projects, channelization, commercial and industrial development and other irreparable activities. The conservation of the rivers proposed in your measure would help to restore the balance envisioned in the 1968 Act.
>
> We recognize that your legislation will provide much-needed protection of fish habitat, and we consider that to be one of the measure's major benefits to Oregon. The prohibition against logging in the wild river segments and the protection from runoff and sediments in the scenic and recreational portions will have an impact on only a fraction of one percent of the forest land base in Oregon, but will enhance the value of instream fish habitat immeasurably. Every angler in Oregon will surely approve of that!
>
> Thank you for taking the lead on this vital issue for our state. The passage of your bill will be a lasting contribution to the quality of Oregon's environment, one enjoyed forever by the citizens of Oregon and visitors from all parts of the globe. Please share our pledge of support for your bill with your colleagues, and know that you can depend upon us to work for its passage.

Let me add parenthetically on my own that I would certainly hope that other rivers will be taken under consideration. Let me simply say inclusion of the Klamath and study of it as a fit subject of inclusion for protection really should be given the most serious consideration by you, Senator, and your colleagues, and an accommodation reached so we can have an even better bill, although it's hard to imagine how much more you can do than you've done so far.

Senator **Hatfield**. Thank you very much. This is a very significant document, and I not only welcome it as part of our hearing, but I would hope that we would have the continued input from you and the Oregon legislature and the commission that you represent and all of state Government. The Governor has written us a letter as well, and we appreciate the input.

Let me comment a little about that very controversial river known as the Klamath and the Salt Caves Dam project. A lot of people ask why it was not included. There are a number of reasons. I have a fundamental philosophy pertaining to when citizens have proceeded under a given law to exercise their rights as they have in this case: they ought to be able to see that process through to completion before a legislative body interdicts and totally circumvents that process.

Secondly, there is an Oregon-California interstate commission, as you know, under the Klamath River Basin Compact; and they have authority in that compact to allocate waters in that area, including the Klamath River. And not being a lawyer, we're having some legal investigation as to whether or not we would have any authority under law to negate that interstate compact. Preliminary legal counsel says we would not have.

At worst, we could possibly cause a third problem: the whole bill could be subject to litigation which could hold up the entire legislation. I don't want to do that. I want to see this Bill through. I believe we can get it through the Senate in this session. I am hopeful. That's my expectation.

So with those considerations, it seemed better not to argue the point whether it qualifies under the Wild and Scenic Rivers Act or not. That's not the issue as I look at it at this moment. If those matters could all be resolved, I would certainly be happy to consider it as part of the final product. But until those questions can be answered, it seems to me it's wiser not to put the entire Bill into jeopardy.

So those are some of the reasons behind my failure to include the Klamath. There may be other reasons as well that other people have, but those are the reasons I have. I wanted to explain that to you.

Mr. **Kerans**. Thank you, Senator. You owe me no explanation, and it's not a failure on your part. I would not describe it that way. We just ask all due consideration be given, and I'm sure that would be the case.

Senator **Hatfield**. There may be rebuttals on all my particular viewpoints, also. I am open to that as well.

Mr. **Kerans**. Thank you, Senator.

Senator **Hatfield**. Thank you, Commissioner.

Now we will invite the second panel to present its testimony. Mr. Rick George of the Oregon Rivers Council, Mr. Bruce White of The Sierra Club, Mr. John Charles of the Oregon Environmental Council, Mr. Bruce Apple of the National Wildlife Federation, Mr. Rod Munro of the Izaak Walton League, Mr. Kevin Coyle of the American Rivers.

I guess the gentleman closest—well, you decide how you want to proceed. I have Mr. Rick George as No. 1 on the list, but that doesn't have to follow.

## STATEMENT OF RICK GEORGE, DIRECTOR, OREGON RIVERS COUNCIL

Mr. **George**. We will start that way. Good morning Senator, Congressman Smith, professional staff. The Oregon Rivers Council expresses our sincere thanks and appreciation to Senator Mark Hatfield for introducing Senate Bill 2148. My name's Rick George, and I am director of Oregon Rivers Council from La Grande.

In this, the 24th anniversary year of the Wild and Scenic Rivers Act, S. 2148 is long overdue. Under current National forest planning, we have included in Senate Bill 2148 31 river segments, segments of nine additional rivers, and segments of those 31 rivers in the forests which were also prioritized by the Bureau of Land Management.

Of the 31 rivers and segments studied in the Draft Forest Planning process, only 10 were recommended for designation. S. 2148 recommends—there are 10 rivers in S. 2148 recommended by the forest planners. We believe they should be designated. They constitute some of Oregon's most critical anadromous and resident fisheries, most revered recreational gems, and most treasured river hideaways.

Segments of 21 rivers were additionally found eligible in the National Forest plans, but they were not recommended for designation. Many of these sit on the same high pedestal as the 10 recommended for designation in the draft plans, and many were not recommended for reasons which should not have been party to the study.

Over 80 percent of these rivers that were not recommended are on the Nationwide Rivers Inventory prioritizing them for Wild and Scenic River designation. ORC recommends designation for these rivers. The Chetco, North Fork Smith, Alsea, Siuslaw, the Nestucca, the Little Deschutes, Crescent Creek, North Fork Sprague, Sycan, White River, Crooked, and the North Fork Crooked River. The Lower Williamson River, a crystal clear native trout fishery sprinkled with turquoise pools, is another river overlooked in the Winema Draft Forest Plan. The Wenaha, Eagle Creek, Joseph Creek, Imnaha, and South Fork Imnaha, NRI rivers, all but Eagle Creek, should also be designated.

Senator, your Bill is a credible Bill in the state of Oregon. We're very supportive. We think the credibility is increased even further by rivers that flow through BLM land and private lands. Wild and Scenic designation of both Forest Service and BLM rivers will ensure continued invigoration of wild salmon and steelhead runs.

Just like its rivers, the Bill flows beyond artificial agency boundaries which have historically bungled river management.

Senator, other rivers must be assessed for Wild and Scenic protection. Some cry out for study and designation. The Klamath is prioritized by Oregon, by its citizens, its lawmakers, and its governor. The Sandy, the Elk River on the southwest coast represents an Oregon wild and scenic river wonderland. We also believe there are 10 to 15, possibly 20 rivers in the state, Senator, that should be included as discussion proceeds on S. 2148.

I thank you very much for the opportunity to present this testimony, and thank you very much for your support of designation of wild and scenic rivers in the state of Oregon.

[The prepared statement of Mr. George follows:]

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**SENATE ENERGY AND NATURAL RESOURCES COMMITTEE**
**Subcommittee: Public Lands, National Parks and Forests**
**Sen. Mark Hatfield**

Senate Field Hearing On S.2148
Municipal Community Center
Oregon City, Oregon

May 2, 1988

The Oregon Rivers Council is a private, non-profit statewide coalition composed of natural resource, river recreation, and environmental organizations. ORC directs its activities toward river-related management and planning issues. The only organization in Oregon focused solely on river resources, ORC is committed to crafting a planning policy that addresses rivers from headwaters to mouth.

We express our sincere thanks and appreciation to Sen. Mark Hatfield for introducing S.2148: the Omnibus Oregon Wild and Scenic Rivers Bill. ORC also thanks Sen. Bob Packwood for his farsighted cosponsorship of this potentially historic legislation. This Bill is a critically important step toward protection of Oregon's revered streams and rivers. In this, the 20th anniversary year of the Wild and Scenic Rivers Act, S.2148 is long overdue.

While tremendous gains have been made in river protection, Oregon continues to pollute, develop and destroy hundreds of miles of its rivers each year. The days of using rivers, such as the Willamette, as sewage conduits are over. Large, destructive dams are, we hope, a development of the past. History has shown that both result in destruction so monumental that the costs in lost natural resources far outweigh the gains. In spite of all that, today we hear of the renewed effort to construct yet another high dam on the Snake River. And nonpoint source pollution, more subtle than a pipe spewing sewage, has spread to nearly every river system in Oregon. Many streams, which once flowed year-round, now are dry in late summer from riparian degradation and water diversion. Oregon's river systems are suffering the effects of a chaotic array of neglect, mismanagement, and abuse.

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Watersheds have, historically, taken a backseat to land resource management and planning. There is no watershed or river system planning policy or management framework within any level of government. River systems are managed like cultural resource sites; attention is paid only in response to a proposed development which might compromise the resource. River development, including river protection, must stem from a comprehensive planning policy. Oregonians are well aware of the importance of clean, freeflowing streams and rivers. The importance of water for agricultural production and municipal use is crystal clear to us. We are slower however in making the connection between river corridor degradation and decreased stream flows, reduced fisheries, and poor water quality.

S.2148 seeks to make the connection between consumptive river development and reduction in the beneficial uses of our rivers. In 1977 the Dept. of Environmental Quality completed its first nonpoint source pollution assessment. Ten years later Oregon's rivers are more polluted and they contain less water. This Bill, designed to bring river protection up to date, seeks to strike a balance between consumption and protection. It will put the Wild and Scenic Rivers Act to work. In this the 20th anniversary year of the Act, it is appropriate for this nation to look back and evaluate this landmark water law. It takes only a quick glance to acknowledge the snails pace at which rivers have been added to the Wild and Scenic Rivers system. Thanks to Sen. Hatfield, Oregon has the opportunity to move the Wild and Scenic Rivers Act alongside or above other prominent natural resource laws. The ORC is confident that as a discussion bill, S.2148 will allow for the discussion and designation of the 40 rivers in the Bill, plus many more. Oregon will be the leader in water conservation; in protecting its rivers and streams for the benefit of all. A trendsetter in maintaining its most precious resource; the water on which every industry, recreational pursuit, and citizen depends. Most importantly, S.2148 with Sen. Hatfield's leadership, could be the single most important tool to insure the continued existence of native salmon and steelhead, high water quality, and of stable watersheds.

**WILD AND SCENIC RIVERS**

Current National Forest planning has led to the inclusion in S.2148 of segments of 31 rivers. ORC commends the Region 6 Forests for prioritizing these river segments for Wild and Scenic designation. Segments of 9 additional rivers, and other segments of the 31 National Forest rivers, were prioritized by the BLM. ORC applauds the State BLM Districts for this first cut assessment of rivers statewide. ORC would like to recognize the planning and management staffs of both agencies for their efforts and for the productive dialogue each has shared with Council members and staff.

Of the 31 rivers and segments studied in the Draft Forest Planning process, only 10 were recommended for designation by respective Forests'. The Deschutes Forest recommended 44 miles of the upper Deschutes River and 11.9 miles of the Metolius River; the Mt. Hood Forest recommended 47 miles of the Clackamas River, all 13.5 miles of the Roaring River, and 25.5 miles of the Salmon River; the Umpqua Forest recommended 33.8 miles of the North Umpqua River; the Rogue River Forest recommended 40.3 miles of its namesake the Rogue River; the Wallowa-Whitman Forest recommended 11 miles of the Lostine River and with the Umatilla Forest recommended designation of 18 miles of the Grande Ronde River and 31 miles of the North Fork John Day River. ORC fully supports and encourages designation of the 10 rivers recommended in the Draft Plans, and we commend the staffs of the respective Forest's. Yet in total these 10 rivers represent 270 miles or a trifling 0.7% of the total named river miles in Oregon. The Forest Service Draft Plan recommendations for Wild and Scenic designation reflect only 16% of the river miles in S.2148.

The ORC has been the first boat on the river in critiquing Draft Forest Plan Wild and Scenic River studies. In reviewing the study methodology used by the Forest's to assess river eligibility, classification, and suitability, ORC followed the guidelines in the Act and in the Forest Services' Land and Resource Management Planning Handbook. We found that in general the Forests that recommended rivers for designation did the best job of complying with the law and with agency requirements. For instance the Wallowa-Whitman, Mt. Hood, and Umatilla Forests studied all Nationwide Rivers Inventory rivers plus a few more. Study data and background information were presented clearly in the Rogue and Umpqua Plans. But many Forests simply did not carry out the studies in a manner consistent with the law. At the bottom of the stack is the Malheur Forest Draft Plan; the Malheur holds the distinction as the only Forest in Oregon that did not assess a single river for Wild and Scenic designation.

The major hitches in the studies center around the following: 1) failure to assess NRI rivers, State inventory rivers, private interest rivers; 2) incorrect eligibility assessments that used a) proposed impacts, b) inaccurate definitions of terms in the Act, and c) upstream or downstream impacts, to disqualify river segments; 3) incorrect assignment of wild, scenic and recreational classification; 4) no presentation in Draft Plans of suitability studies, or incomplete studies that don't justify the Forest's failure to recommend a river for designation; 5) misleading description of the impact of Wild and Scenic river designation on timber and other resources; and 6) outrageous projections of funding needs due to a misguided need to purchase easements on all private lands.

In short ORC has found that many Draft Forest Plans did not comply with the Wild and Scenic Rivers Act nor with the Agency's Handbook. Our frequent contacts with the Region 6 Office and with individual Forests', indicate that some of these problems will be corrected. However ORC can get no clear statement of direction from the Forest Supervisor.

## ORC's RECOMMENDATIONS FOR WILD AND SCENIC STUDY AND DESIGNATION

**S. 2148:** All 10 river segments recommended for designation in Draft Forest Plans should be designated. They constitute some of Oregon's most critical anadromous and resident fisheries, most revered recreational gems, and most treasured river hideaways. **The Deschutes, Metolius, Clackamas, Roaring, Salmon, North Umpqua, Grande Ronde, Rogue, Lostine, and North Fork John Day;** names that stir the silver lining in the memories of many an Oregonian.

Several segments of these recommended 10 rivers , though they were studied and found to qualify, were not included. The reasons given in the Forest Plans varied from an abundance of private lands, to their inclusion in designated wilderness areas. Neither is valid reason to not recommend designation. ORC urges designation of sections of the **Deschutes, Metolius, North Fork John Day, and Lostine Rivers** that adjoin the 10 recommended segments. The North Fork John Day typifies the critical necessity of designation and it exemplifies the inaccuracy of the decision not to recommend designation. Congress designated the North Fork John Day Wilderness in recognition of the importance of this drainage to the wild salmon and steelhead population in the entire John Day system. But most of the North Fork is outside the Wilderness; only Wild and Scenic designation can give the river the management it must have. Fish habitat and water quality depend upon river management, from headwaters to mouth, including management of the river corridor. Its a one item menu; Wild and Scenic designation.

Additionally, some segments or important tributaries to the recommended rivers were simply not studied. ORC strongly urges Wild and Scenic study and recommendation for designation of the **South Fork Roaring River, the North and South Forks Chetco and Little Chetco River, the lower Minam and lower Wenaha Rivers, and the lower Clackamas River.**

Segments of 21 rivers were found eligible by the National Forests' but were not recommended for designation. Many of these sit on the same high pedestal as the 10 listed above. And many were not recommended for reasons that should not have been party to the study. Over 80% of these rivers are on the NRI - prioritizing them for Wild and Scenic designation. ORC recommends designation for some of Oregon's most productive, fragile coastal fisheries: the **Chetco, North Fork Smith, Alsea, Siuslaw,** and the **Nestucca River**. Many of Central Oregon's rivers, some of the most important tributaries to the Deschutes, were not recommended by the Forest's. ORC urges designation for the **Little Deschutes, Crescent Creek, North Fork Sprague, Sycan, White, Crooked,** and the **North Fork Crooked River**. The **Lower Williamson River**, a crystal clear native trout fishery, sprinkled with turquois pools, is another river overlooked in the Winema Forest Draft Plan. The Williamson is a classic National Wild and Scenic River; and a classic example of a misguided Forest Plan recommendation. In northeastern Oregon, the **Wenaha, Eagle Creek, Joseph Creek, Imnaha** and **South Fork Imnaha River** were all found eligible, and all but Eagle Creek are in the NRI. ORC recommends Wild and Scenic designation; all of these rivers headwater in designated wilderness areas. Wild and Scenic management will protect water quality and fisheries habitat while lending an important advertisement of the rivers' magnetism for guides and outfitters.

Some of the rivers found ineligible in the Draft Forest Plans, are clear cases of incorrect study procedure. **Big Marsh Creek** didn't qualify due to a short section with old water diversions that is now public land. Section 2(b) of the Act specifically allows for the rehabilitation of rivers for Wild and Scenic designation. The Act further states that under a recreational classification, rivers may have undergone some past diversion. Three other rivers were found ineligible: the **Little Nestucca, Upper** and a segment of the **Lower Williamson**, and the **Sprague River**. All, including Big Marsh Creek are listed on the NRI. Impacts on certain segments of the Williamson and Sprague disqualified the entire rivers. ORC's review of the data shows that the rivers cannot be ineligible; all have outstandingly remarkable values and all are freeflowing. They should be included as eligible in the discussions of designation in S.2148. The **Chewaucan River** would be a perfect recipient of Sec. 2(b) of the Act. Wild and Scenic designation in order to repair a complete river system seriously damaged by overgrazing and road construction.

S.2148 is lent a high degree of credibility by its inclusion of rivers flowing through BLM lands. River segments that adjoin the Forest Service segments discussed above, are vital components of some of Oregon's most respected fisheries. The BLM segments of the coast's **Nestucca** and **Alsea Rivers** comprise essential watersheds. On the east and west flanks of the Cascades, BLM segments of the **Deschutes, North Umpqua, Salmon, White, North Fork Crooked,** and **Crooked Rivers** provide some of Oregon's most utilized recreation, and outstanding wild scenery. Northeastern

Oregon's **Joseph Creek, Grande Ronde and North Fork John Day Rivers** share significant BLM administration. Wild and Scenic designation of both Forest Service and BLM lands will assure continued invigoration of wild salmon and steelhead runs. S.2148 reflects the need for comprehensive management of all lands. Just like its rivers, the Bill flows beyond artificial agency boundary lines that have historically bungled river management.

The remaining 9 rivers in S.2148 flow through BLM lands only. The **South Fork John Day River** and **mainstem John Day River**, the latter a designated Scenic Waterway, are components of one of the most significant river systems in S.2148. ORC is steadfastly committed to designating Wild and Scenic the John Day River **system**. The **South Fork Crooked River** is a crucial addition to the Crooked River system in S.2148. And the **West Little Owyhee**, and **North Fork Owyhee Rivers** add to one of Oregon's designated jewels: the Wild and Scenic Owyhee River. Southeastern Oregon's **Donner und Blitzen River** probable takes the prize as the most uniquely outstanding BLM river in S.2148. Beginning in the glaciated Steens Mountains, the Donner und Blitzen is an isolated favorite of those in pursuit of native redband trout. And in S.2148 it is system; the Bill includes most of the mainstem and almost all of the Donner und Blitzen's critical tributaries. In the northern corner of Eastern Oregon, the **Powder** and **Burnt Rivers** team up to provide some of Oregon's most productive native trout fishery, and rugged, high desert scenery. And lastly, **Quartzville Creek**, tributary to the Middle Santiam River, is a technical froth of whitewater increasingly sought out by the West's expert kayakers. All of these BLM rivers have outstandingly remarkable values that set them apart from the majority of Oregon's rivers.

The 40 rivers in S.2148 represent some of Oregon's finest river gems. They represent less than 5% of this State's named river miles, and in sum they offer some of the most prestigious fishing, rafting, hiking and other recreation in the country. Their economic contribution represents the gamut from municipal water supplies, to irrigation sources, to untrammeled wild lands that support hundreds of guides and outfitters. ORC firmly believes that all 40 rivers are priorities for National recognition. Designation will begin the process of comprehensive protection and planning for these and many other river systems in Oregon.

**Additional Rivers**
In addition to reassessing the rivers in the Draft Forest Plans that were not properly studied, other rivers must be assessed for Wild and Scenic potential. The process that guides the selection of rivers for study should follow the format outlined in the Wild and Scenic Rivers Act and in the USDA and USDI planning guidelines. All NRI rivers should be

evaluated by the Forest Service and BLM, or the National Parks Service. Rivers included in the State Scenic Waterway system and on its river inventory should be assessed for Wild and Scenic designation. And rivers submitted by private interests should be evaluated by the Federal Agencies.

Some rivers cry out for study and designation. Some were overlooked by the budgetless Nationwide Rivers Inventory. Some made the NRI but were ignored during draft forest planning. Sen. Hatfield, you prioritized two of these rivers, the Sandy and Elk, in your floor speech during introduction of S.2148. The **Sandy**, one of Oregon's first Scenic Waterways, is a sure bet for Wild and Scenic. On the southwest coast, the **Elk River** represents an Oregon wild and scenic river wonderland. Its crystalline waters pausing in deep azure pools, the Elk's water quality is phenomenal. Flowing through primeval forests, it provides the Siskiyou National Forest with the recognition as the highest native anadromous fish producer in all of Region 6. The **Klamath River** is one prioritized by Oregon. By its citizens, its lawmakers, and its Governor. With a life of its own, the Klamath's prerequisite for protection shines brightest in this State known for its prestigious rivers. **Steamboat Creek**, the most important spawning tributary to the North Umpqua River, is a must for Wild and Scenic study. Given Sec. 7(d) protection under the Act in 1986, Steamboat Creek must be considered for designation. The most significant past impacts to this critical fishery stem from adjacent timber harvest and harassment of fish by recreationists. ORC urges that the benefits of a strict Wild and Scenic River management plan be weighed against the benefits of current management of Steamboat Creek.

The NRI and Oregon Scenic Waterway Inventory rivers are all priorities for study and designation. Table 1 lists rivers that ORC has compiled from a host of inventories, including the NRI and OPRI, the Northwest Rivers Study, and from ORC constituency organizations. These rivers represent a diversity of outstanding resources, and their natural values reflect the rivers' geographic location and endemic fish and wildlife and botanic populations. Rivers already prioritized in the NRI and State Inventory, but not studied in Forest Plans, include the **Breitenbush, Fall, North and South Santiam, Nehalem/Salmonberry, Siletz, Siuslaw, Snake, Trask, Umpqua, Wallowa**, and the **mainstem Willamette Rivers**. Designated Scenic Waterways are automatic candidates for Wild and Scenic River designation: the **Little North Santiam**, and the **North Fork Middle Fork Willamette River**.

Other rivers ORC prioritizes for consideration during the S.2148 discussion process include: **Eagle Creek** in the Mt. Hood Forest, **Coquille River system**, **Deep Creek** in the Freemont Forest and Lakeview BLM District, **Wallowa River**, Hood River system, Murderers Creek in Malheur Forest and Burns BLM District, Kilchis River, Malheur River system, West Fork Millicoma River on the coast's Elliot State Forest near Reedsport, Oneonta Creek in the Columbia River Gorge, Pistol River system, Salmon River- a north-coast river, Opal Creek, Walker Creek- tributary to upper Nestucca River, Sixes River system, Smith River system- major tributary to lower Umpqua River, Trout Creek in southeast Oregon's Trout Creek Mountains, South Fork Walla Walla River, Wilson River, Winchuck River system, Yachats River, and the Yaquina River.

## CONCLUSIONS

Sen. Hatfield's Omnibus Wild and Scenic Rivers Bill has already paid dividends to Oregon's Rivers. Forest Plans are being scrutinized in detail for correct Wild and Scenic River study process and for their comprehensiveness. Rivers, our most precious resource, are now an important, headline issue. In combination with the Northwest Power Planning Council's decision to proceed toward designation of protected areas, S.2148 pulls together the beginnings of a river management plan of historic dimension.

The ORC has studied each river in S.2148 for potential impacts to current and future land use. Timber impacts will for the most part be absent; most river corridors are already removed from the timber base or have already been substantially cut. But the rivers where designation will impact harvest are a must for inclusion in the Wild and Scenic system. They represent primitive vestiges of river systems about which we have limited scientific knowledge, and from which we must learn. It is these rivers, protected now by designation, which can provide us with the skill and knowledge to correctly manage the rest of Oregon's river systems. Only a handful of river systems in Oregon are pristine. The Elk, North Fork Smith, Minam, Wenaha, and portions of the Donner und Blitzen offer us education. We must designate them Wild and Scenic and then aggressively undertake their study.

Inclusion of private lands in S.2148 is a much needed statement that Wild and Scenic designation does not negatively impact the land owner. The misconception that Wild and Scenic rivers are not compatible with private ownership has been a blight on the Wild and Scenic Rivers Act for most of its 20 years. ORC thanks Sen. Hatfield for again including river systems for proposed management that pays more attention to the river than to management boundaries. We believe S.2148 is the break the Act needs; an opportunity to show that designation benefits almost all users. Landowners, recreationists, industry, local governments, guides and outfitters, Native Americans, farmers, and ranchers. Comprehensive designation of Oregon's rivers will be the National example of the compatibility of Wild and Scenic Rivers with private land ownership.

Sen. Hatfield, in closing, their is one small group of rivers that have not been addressed. These are a handful of river segments that inherently pay no attention to our administrative boundaries. The lower Grande Ronde River and the Joseph Creek flow out of Oregon and into Washington. A short segment of the Snake River, adjoining the north end of the segment currently designated Wild and Scenic, traverses the northeastern tip of Oregon and then flows into Washington. These river segments, either adjoining segments in S.2148 or already in the Wild and Scenic system, should be addressed for designation.

Thank you very much for the opportunity to present this testimony. ORC again thanks Sen. Hatfield for his commitment to crafting a new Oregon Wild and Scenic River system. It is only under such visionary leadership that Oregon remains an oasis of distinction.

Sincerely,
Rick George
Rick George - Director

Senator **Hatfield**. Thank you, Mr. George.

## STATEMENT OF BRUCE APPLE, NATIONAL WILDLIFE FEDERATION

Mr. **Apple**. Good morning, Senator Hatfield, Congressman Smith. My name is Bruce Apple, and I am here this morning representing the National Wildlife Federation. First of all, we would also like to offer our thanks and deep gratitude for your sponsorship and promotion of this legislation.

In spite of the tremendous use of rivers by Oregonians and non-Oregonians alike in this state, we have done precious little to preserve them for future generations of Oregonians.

Senator, we believe your legislation provides a solid framework for the development of a statewide Wild and Scenic Rivers protection program. We do, however, have some concerns we would like to share with you about your legislation.

First, Senator, we recognize that there are hundreds and literally thousands of river miles in Oregon that are truly deserving of Federal Wild and Scenic designation. We also recognize that not even Senator Hatfield could put all of those in a single piece of legislation and hope to have success and actually get protection for them.

At the same time we ask you to recognize that there are a small group of rivers within this state so unique and so threatened that we must implore you in the strongest of terms place them within your Omnibus Bill. These are the Grand Ronde, the Elk, the Sandy, the Metolius, John Day, and the Upper Klamath.

Secondly we would ask that certain rivers already in your bill be lengthened to provide additional protection for fisheries resources, for spawning, and overwintering possibilities. In order to be brief this morning, we will include our specific comments and river segments in written comments to you by your June deadline.

Lastly, Senator, we would urge you not to unduly exclude rivers or segments of rivers just because there are private lands involvement. We believe that in many cases in one-on-one negotiations with landowners in a very positive atmosphere and framework cannot only show folks that Wild and Scenic River classification's not just detrimental, but can also enhance your property values.

Senator, we again express our appreciation and want to express to you our overwhelming support at whatever level and whatever energy is needed to achieve your protection of wild and scenic rivers in the State of Oregon. Thank you.

[The prepared statement of Mr. Apple follows:]

NATIONAL WILDLIFE FEDERATION
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**TESTIMONY OF BRUCE APPLE, DIRECTOR
PACIFIC NORTHWEST NATURAL RESOURCES CENTER
NATIONAL WILDLIFE FEDERATION
BEFORE THE
SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON PUBLIC LANDS**

**OREGON CITY, OREGON
MAY 3, 1988**

Good morning. My name is Bruce Apple and I am here today representing the National Wildlife Federation. (NWF) The NWF is the nation's largest conservation education organization, representing over 5 million members and supporters nationwide.

I would like to begin my comments today with our thanks to Senator Hatfield for his efforts in creating and sponsoring this Oregon Wild and Scenic Rivers Omnibus Bill.

As you well know, in spite of the tremendous wealth of rivers in Oregon, we have not moved aggressively enough to ensure long-term protection for even our largest, most threatened rivers. To date, only sections of the Rogue, Owyhee, Illinois and Snake are part of the National Wild and Scenic River system.

We are pleased to support SB 2148 and believe the original bill as presented represents a solid framework from which to build a truly comprehensive state-wide federal rivers program. We do, however, believe the existing legislation should be amended in three areas. First, we believe there are many other rivers in Oregon on Forest Service and BLM lands which are deserving of federal designation and should be included. Secondly, we believe the existing rivers list should be expanded to include longer segments of the named rivers. Last, we believe that rivers flowing through private lands should not be totally excluded. In many cases, there would be no impact to existing owners and designation could improve land values.

In the interest of time, we have included specifics of our concerns and suggested rivers in our written comments. However, I would like to express our overwhelming commitment to the inclusion of the Upper Klamath River in the bill. Clearly, no other river in Oregon exemplifies the dilemna facing our state. Do we continue to cash in our dwindling natural resources on an unneeded, one-time project such as a hydropower dam, or do we protect them for our own state citizens and others for recreational use in perpetuity? In addition to protection for one of the greatest white water rivers and wild trout fisheries in the state, including the Klamath River

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in the legislation would emphasize that this state is looking toward the future, not back to the past.

I appreciate the opportunity to present our views today and will be offering additional written comments later.

Senator HATFIELD. Thank you.

## STATEMENT OF ROD MUNRO, CHAIRMAN, IZAAK WALTON LEAGUE, INLAND RIVERS AND LAKES COMMITTEE, PORTLAND, OR

Mr. MUNRO. Senator Hatfield, Congressman Smith, and professional staff of the Senate Energy and Natural Resources Committee, Subcommittee on Public Lands, my name is Rod Munro, and I reside in Portland, Oregon. I am the inland rivers and lakes committee chairman of the Oregon Division of Izaak Walton League of America. I speak on the subject of Senate Bill S. 2148 before this committee.

The Oregon Division appreciates the opportunity to testify in favor of S. 2148 which we consider an excellent landmark piece of conservation legislation which will designate 103 segments of 40 Oregon rivers as part of the National Wild and Scenic River system. We would also like to thank you, Senator Hatfield, for introducing this legislation which could be another Oregon first which could become a model for the rest of the country to emulate in the much-needed protection of our country's water resources, especially in the West.

The Oregon Division further recommends for S. 2148 inclusion the planned additional rivers in the House Bill H.R. 4164, which includes portions of the Sandy, the Elk, North Fork, and middle portions of the Willamette, Steamboat Creek, and the Upper Klamath River.

Provisions should also be made for future inclusions for Oregon's other threatened and outstanding rivers as they become fully recognized and available. Especially does the Oregon Division approve of, one, the John Day River segments which supports the largest runs of wild salmon and steelhead in all Columbia Basin above the Bonneville Dam; two, other rivers that value anadromous fish and wildlife habitat; three, the 45-mile segment of the Grand Ronde River, which includes critical winter range for large birds in northeastern Oregon, deer, elk, bighorn sheep, and other wildlife.

Since its founding in 1922, the league has had long historic interest in the wide use of our Nation's wild resources and water policy issues, such issues as and values as conservation, clean water, protection of unspoiled areas, preference of river basin planning, project-by-project approach, full consideration for all environmental values including scenic, recreational, fish and wildlife values, industry and uses of water, protection of parks, wilderness, and other designated natural areas from any encroachment by water development projects.

Protection of unspoiled areas and free-flowing or natural pastoral conditions, continued public access and recreation opportunities and other values have concerned and involved the league since 1922. S. 2148 incorporates many, if not all, of the league's above-listed water-value criteria we believe.

Now is the time to protect to the fullest extent of the law one of Oregon's most precious resources, our water, for this and future generations of people to experience, enjoy, and appreciate. Thank you.

Senator HATFIELD. Thank you.

## STATEMENT OF BRUCE WHITE, REPRESENTATIVE, THE SIERRA CLUB, PORTLAND, OR

Mr. WHITE. Senator Hatfield, Congressman Smith. My name is Bruce White. I am a member of the Oregon Chapter of the Sierra Club, which has a membership of over 7000 individuals and is comprised of eight local groups in the state of Oregon. My testimony for the Sierra Club is offered on behalf of the four local Sierra Club Groups of the Oregon Chapter—the Columbia Group (representing the Portland area), the Mt. Jefferson Group (representing the Salem area), the Mary's Peak Group (representing the Corvallis area), and the Many Rivers Group (representing Eugene). Their interests in rivers includes appreciation of the recreational, scenic, and fish and wildlife habitat attributes of rivers.

Sierra Club believes that the Oregon Omnibus Rivers Bill represents a landmark approach to river protection efforts, and we salute Senator Hatfield for leading the charge in this effort. We also appreciate the opportunity that has been provided us today to testify in favor of this important Bill.

As Senator Hatfield stated in introducing S. 2148, this Bill is a discussion Bill. Sierra Club expects that there will be an opportunity to propose additions to the list of included rivers as the process goes forward. Sierra Club recognizes that much of the data on river values in Oregon is still being generated.

We wish to state that we're working with the Oregon Rivers Council and appreciate their efforts in generating that kind of data.

Wild and Scenic designation is attractive to the Sierra Club for the authority such designation has over Federal land management agencies in river corridors and over Federal agencies, such as FERC, affecting water uses on river segments. Although it is but one of several tools available for river protection, Sierra Club regards such designation as a preferred approach to River protection.

We hope that river users recognize that the focus of Wild and Scenic designation is to deal with issues of Federal land and water management decision-making and not with issues of who may and may not and how many may use a river for recreational purposes.

The comprehensive nature of this Bill makes it an excellent vehicle for achieving innovative and ground-breaking designations representing a true cross-section of various types of rivers and river systems. It is the Sierra Club's hope that the final bill would include examples of the following:

A nonforested desert-type stream; a tidal river segment; a river with significant private land holdings; river segments constituting a basin-wide approach to conservation and protection; a heavily forested old-growth stream segment; and other representative categories of stream segments.

However much we wish the final Bill to have examples of all these situations we recognize that some rivers are more threatened than others. It is these highly threatened Rivers that are most appropriate for Wild and Scenic designation. A sampling of some of these rivers includes rivers such as the Upper Klamath, the Grand

Ronde, the Breitenbush, the Sandy, the John Day, the Metolius, the Umpqua, the Elk, and Steamboat Creek.

It has been 20 years since the Wild and Scenic Rivers Act was enacted. In that time only four of Oregon's rivers have been so designated. We believe the time is long overdue for consideration of the remaining of Oregon's outstanding rivers for protection as Wild and Scenic Rivers. Thank you for the consideration of Sierra Club's comments.

Senator **Hatfield**. I want to give a special welcome to Mr. Coyle who has come from Washington to testify here. We will have a hearing in Washington, but Mr. Coyle wanted to be in on the launching, and hopefully on the landing.

## STATEMENT OF KEVIN COYLE, VICE PRESIDENT AND CONSERVATION DIRECTOR, AMERICAN RIVERS

Mr. **Coyle**. Thank you, Mr. Chairman, for this opportunity to testify before the subcommittee today. My name is Kevin Coyle. I work as the vice president and conservation director of American Rivers in Washington, D.C. We call ourselves the Nation's principal river-saving organization.

Mr. Chairman, we're both excited and concerned about this legislation. We're excited because the Oregon Rivers Bill is for us a dream come true. American Rivers has negotiated with the Forest Service and BLM for several years encouraging them to include Wild and Scenic Rivers planning and management plan and have a National program of state-by-state omnibus river bills such as we're discussing today.

Senators Hatfield and Packwood, you're to be commended for your effors here and your vision in making this dream be a reality, and your courage will be covered with National precedent that will not only help protect rivers in Oregon; it will revolutionalize the planning process and ultimately help to fulfill what we consider to be the underdevelopment of the National Wild and Scenic Rivers program. Already a number of states in the Nation are developing plans for statewide river bills, and when it comes to rivers, all eyes are on Oregon.

We also applaud Congressman Smith for his introduction of legislation and his colleagues in the House, AuCoin and Defazio for their efforts to protect rivers.

Our reservations about this Bill concern the opportunity it provides for protection of additional rivers, in particular the Klamath River. For your information, in January American Rivers designated the Klamath as the Nation's most endangered river from the standpoint of hydropower.

The Klamath is an outstanding recreational river with clear eligibility in the Wild and Scenic Rivers system. We understand your positions on it and would be very pleased to work with you and your staff in developing rebuttals to some of your concerns.

We are supportive of the Omnibus Bill. We would like to see its passage. We prefer the House version, H.R. 4164, because it seems to protect the Klamath as well as other rivers; so we recommend enactment of S. 2148 but modified to include the rivers reflected in the other House version.

Thank you for the opportunity to address the subcommittee today.

Senator HATFIELD. Thank you. I am glad you identified the other House Bill besides the one Congressman Smith has introduced because it's not an either-or situation. There is very strong support for whatever bill eventually evolves out of the legislative process. Obviously it has to have support of the House as well as the Senate.

And talking personally over a period of time and with the working relationships we have with Congressman AuCoin and Congressman Defazio, I am sure it will be again a combination of ideas that will evolve out of hearings like this and future hearings. We're going to have one in Grants Pass and one in Bend as well as one in Washington. So we will have four hearings; and within a couple weeks, I believe another bill under the leadership of Congressman AuCoin and Defazio will receive a hearing.

Mr. Apple made a comment I'd like to respond to because I think it points to a very important matter. As I say, for 20 years, this law has been on the statute books. Initially in the original law, I did include the Rogue River. And then as time went along, we added segments of the Owyhee and Illinois, and it evolved to the 317 miles. It's much like how Wilderness has evolved. We didn't include all of the potential Wilderness in the original bill which was introduced before I got to the Congress. In fact, when I got there, there were about 500 thousand acres of wilderness in Oregon.

Along came the problem of Three Sisters and Rock Mesa and the potential problem there that would be very damaging to the wilderness. We took specific action on that. Then came along the Marion Lake in Mt. Jefferson Wilderness, and we took specific action on that. And then came the Minam, and we took specific action on that. So that in the omnibus bill we have 2 million acres, and I have personally authored one and a half million of the 2 million. And we're not finished with Wilderness yet because of the BLM's land proposals that will come up eventually with some recommendation for Wilderness, and we will readdress the issues at that point.

So it is with the Wild and Scenic Rivers Act. I want to assure you that this Bill, assuming it gets through the Congress and it's in pretty much, the form we see it now, does not mean we've ended our attention or concerns about wild and scenic rivers. We will have to continually address these. I think out of the initial beginning here, it will have down-the-road impact to consider rivers that may not be included at this point but certainly will have to be readdressed at some point.

We thought carefully about how many rivers, and we took into consideration comments of my colleague from a western state of the other party who said, "You know, I would like to address this issue, but I would be eaten alive in my state. There's no public support for it. '

And I think it's very interesting that in over 20 years, I've not had, other than a very scattered response from Oregon, anyone urging me to take action on a Wild and Scenic River. Some response on the Illinois and Owyhee. But as far as taking a comprehensive view—no. I must tell you, this bill evolved out of the processes we saw in the Forest Planning process, and because it brought to mind my trip down the Rogue last August where I again recognized the value of this resource.

So we felt we ought to be somewhat modest in our approach, not to turn people off immediately. It would be expected from groups like you we would have support. We've heard one commissioner today say that it threatens our water supply, and the municipality is going to have to take some stronger oppostion merely than just calling it to our attention.

There are other spotted areas like this where people are really concerned: inholdings, private land, timber operations, water impoundment. All kinds of interests. And we will have to bring out a Bill that will slide through with the minimum opposition; at the same time, I am in a position where I have to represent all of these and produce a Bill that will bring about the support of the majority of the people of the state.

I appreciate the point you brought. This is not the last attention or focus upon Wild and Scenic Rivers, at least for me. I look to others, and hopefully we can carry out interesting and innovative concepts for water resources protection. I would like to refer the Izaac Walton League back to the inaugural address in 1921 by Mr. Herbert Hoover, who became the national president of the League at that time and addressed the question of protecting the rivers of America and recouping those that were lost at the moment. It was a very interesting analysis in 1922, which recognizing that date makes it all the more significant.

But I do think we reached a point where we don't only have to look at those wild and scenic rivers, but continually try to keep and recover some of these rivers so overly polluted and so much destroyed but still are recoverable at this point. This is another dimension we're not addressing this morning. But that inaugural address is a fascinating example of vision and foresight which, if action had been taken in 1922, we wouldn't be sitting here today because we would have already taken the action. Thank you very much.

Panel No. 3, please. And that includes Mr. James Keller, Mr. Dennis Creel, Mr. Jim Geisinger, Mr. John Rossner, Mr. Jim Dingham, and Mr. Jack Nichols.

Good morning. All right, gentlemen. We welcome your testimony. And if you would like to proceed on your own order or left to right, right to left.

## STATEMENT OF JIM DINGMAN, SOUTHERN OREGON RESOURCES ALLIANCE, SELMA, OR

Mr. DINGMAN. My name is Jim Dingman. I'm from Southern Oregon, and I represent probably an endangered species here; I am in the mineral industry. I am secretary/treasurer of Oregon Gold Mines, and I'm also on the Josephine County Advisory Committee, as well as a director in a Canadian-based company with resources in Southern Oregon.

The impact on minerals that the 1968 Wild and Scenic Act has, has not been addressed. Now is the time. Certain mining properties on the Rogue River have had burdens put on them. A geologist, Lloyd Frizzell, who has been living in Southern Oregon for quite some time—I asked him for his observations, and here's a copy of his letter. This was dated the 28th of last month.

> In response to your request for my experience of manager of mining claims within the bordering scenic portions of the Rogue River—we're in the recreational section, by the way—"for the past 20 years, my experiences are as follows: 90 percent of mining companies and risk capital financing won't invest their time and money on your claims. My claim block joins yours on the Alameda on the south boundaries. Over the past 20 years, I have shown both the Alameda and our claims blocks to at least 25 mining companies and mining finance groups. I've never been able to interest any of them in the Alameda and only two mining claims were willing to explore on our claim south of the Alameda even though most of the Alameda and our claim blocks are not in the Wild and Scenic portions and could be mined and not be seen from the river.
>
> The perceived environmental problems and working near Wild and Scenic River kills any enthusiasm for working in the area. It is my opinion that the only justifiable solution to mining claim owners who own claims in and bordering it before it was designated as Wild and Scenic is to compensate them for the loss they suffered for the Wild and Scenic designation.
>
> I recommend a three-party arbitration board, one member from the mining community, one from the environmental organization, and one member from the government agency in charge of the river; the compensation value of the claims to be measured against the geological and engineering data proven and probable or against the value to the public of not having mining conducted in or near a Wild and Scenic river.
>
> I hope this may help you.

The Alameda had some serious drilling done recently; it was 10 million tons. It's a serious mining property. It's been hurt. There's no other way to describe it. The Wild and Scenic River has put a definite damper on this thing. I've got too much discussion to give, and I see I won't have the time.

Senator HATFIELD. Your whole statement will be put into the record.

Mr. DINGMAN. Right, sir. Just basically as can be seen by Mr. Frizzell's comments, one of the properties discussed which is outside the quarter-mile boundary has been impacted. The Alameda property has been denied its proper development due to its being in the Wild and Scenic corridor. The quarter-mile corridor extends more than its intended scope; they have boundaries beyond the visual impact.

Again the red light is on, and I am not going to make it. What I would like to say in this proposed legislation, I propose that before the Bill goes to the floor that adequate funds be allocated to the Bureau of Mines, U.S.G.S., Department of Geology, to ascertain the potential impact that the Omnibus Wild and Scenic Act of 1988 will have on minerals located within these corridors nominated in 1968 and 1988. I also propose that the report be done by those mentioned agencies to be considered and weighed especially concerning minerals critical to our National well-being. Thank you for your time.

[The prepared statement of Mr. Dingman follows:]

Dingman

## Comments on the 1988 Oregon Wild and Scenic River Act

Good morning, my name is Jim Dingman. I have traveled from Southern Oregon to testify on the 1988 Omnibus Oregon Wild and Scenic River Act. I will be commenting on the impact that the earlier 1968 Wild and Scenic River Act had on mining properties that were located near the Rogue River, as well as reveiwing Senator Hatfield('s comments introducing S.B.2148. I am Sec/Tres of Oregon Gold Mines Inc. (a privately held gold company), a Director of P.S.M. Technologies, a publicly traded Canadian Resource Company with holdings in Southern Oregon, as well as a Director of the Southern Oregon Resource Alliance and a member of the Josephine Conty Mining Advisory Committee. I am also a owner in the Almeda Mine.

The impact on minerals that the 1968 Wild and Scenic Act has had has not been addressed, now is the time. Certain mining properties on the Rogue River have had burdens put on them. A geologist, Llyod Frizzell, who has been living in Southern Oregon region for a number of years was asked by me for his observations. (read letter)
As can be seen from Mr. Frizzell's comments, one of the properties discussed even though outside the ¼ mile boundary has been impacted. The Almeda property has been denied its proper development due to its past of the property being within the ¼ mile corrider. The ¼ mile corrider extends more than its intended scope. It appears any potential visual impact is being considered by the agencies managing the Wild and Scenic rivers.

Senator Hatfield's comment in his senate testimony states, "I beleive that legislation is a model for how to resolve some of the most pressing and contradictory resource allocation." The key word is contradictory. If the public values are for more of the scenic and untouched uses of the public lands than the minerals contained in, then the mineral owners should relinquish and be compensated. The Almeda Mine and others are basically de-facto withdrawn. I say withdrawn because the risk capital required to bring a mining property to development has been scared off. Mining is one of the most risk orientated businesses in the world and one of the most critical to the survival, yes, survival of the people of this planet. If an area is to be withdrawn the timber resources can be easily evaluated - but not minerals. You can cruise timber but not minerals. An example of this is the Turner/Albright deposit in S/W Oregon. There has been over 75,000 feet of core drilling completed on less than 20 acres. How long would it take to cruise 20 acres of timber?

Another concept - there is roughly 1/3 billion dollers in gross values at the Turner/Albright on 20 acres (granted all underground to dephts of many hundreds of feet) - how much timber values would be on 20 acres? The point being made is the value per acre of an explored and developed mining property is worth many times more than any other use.

Senator Hatfield in his testimony mentions... "Preserve the environment while at the same time bolstering our basic and secondary industries."

I feel unfortunatly that we can not have both - a basic incompatibility. The Wild and Scenic River Act does not apply just to rivers, but to the adjacent land for supposedly ½ mile, but visual is the criteria and can extend "de-facto" much further. There is no way that a Wild and Scenic designation is going to bolster basic (es mining) industries. Minerals should have priority due to the scarcity and vital importance to our nation and state's economic well being. In S/W Oregon there is a potential for strategic minerals.

The Senator mentions... "Water will be to the 21st Century what oil is to the 20th Century."

The Senator has good vision - pure water is next in importance to clean air - without we die. I would like to state that as long as we, as Americans, wish to live as we do we will need minerals and strategic metals like chrome and cobolt are to our economic well being as air and water is to our earthly bodies. I am not suggesting that mile after mile of our rivers have to have belching mills polluting our waterways. I am asking for fairness in protecting the rights of its citizens that have valid and existing minerals claims. Common sense in developing those mineral claims to production, which has the odds of almost 1000 to 1 of occuring. A major Mining Co., Cominco, estimates that for 1000 submittals - 900 are thrown out immediately - the next 100 are looked at - of those 90 are dismissed - of the remaining 10 - those are evaluated and drilled and of those 1 makes the grade to be put into production. If the public only knew how difficult and costly it was to bring a mining property into production, restrictions would be removed on exploration. If a property proved its value, the development of the operation would be seen as a positive event, not as some curse.

There is a misconception that if we need the minerals, that their availiability is no problem - it is stated that they are in the ground. The lead time to bring a property into production is in the years. If our supply of chrome from South Africa was shut off, in a matter of months, the effect would be noticed. The price of chrome would soar and countries like Japan and the E.E.C. would suffer much more thus affecting the world economic order, which in turn would affect this country. A practical example is what currently is happening to the price of nickel.

The Dominican Republic five months ago put a 25% export tax on a Canadian nickel producer, Falconbridge, this resulted in a dispute. The unit in question accounts for 5% of the Western World output. In part this event the already strained nickel market has seen the price go as high as $10.00 per lb. from a low of $1.56 per lb. last year. I'm sure that when Hanna shut down its Riddle Nickel Mine if it could have predicted the future, it would have been glad to be now selling into this nickel market - as well as the now unemployed at the plant. Amazing, what only a 5% shortfall has done to price and supply. U.S.Nickel, a subsidary of the company of which I am a Director, has a nickel property on which it has spent a sizable amount in exploration. Last year the B.L.M. designated this property located in Josephine County as A.C.E.C. (Area of Critical Environmental Concearn) due to some apparent unique botantical species. It should be noted that other similar geological areas could contain similar species and their uniqueness but have not been checked. This property contains 150,000,000 lbs. of nickel as well as cobolt. Even if we wanted to, we could not get the nickel out and produced for quite sometime - the lead time is so long, but the A.C.E.C. designation has put a de-facto withdrawal on it.

Senator Hatfield states in his presentation, "That our rivers, like all natural resources are finite and therefore need particular attention and care."

His comments are correct, but minerals are even more finite, rivers and forest do not die if managed correctly, the Rogue River has not stopped flowing for a long time. Minerals on the other hand are a one shot item once taken from the ground, they can be recycled but never "reforested" like trees. Minerals are rarer and absolutely vital and a good deposit even rarer. Yet the restrictions and hurdles that a good mineral deposit must go through is incredable and if in a Wild and Scenic area almost impossible. The mining industry is not the bad guy - the enemy of the environment is us - the consuming public that wants all the benefits, all that the mineral industry does is attempt to fill the supply for the demand. People have forgotten where wealth comes from - the earth - our Mother. Senator Hatfield uses the word stewardship - manager of affairs in a proper manner. Merely locking up and/or putting severve restrictions on minerals to protect the rivers is not the correct answer due to the potential conflicts. Existing mining rights have precedent, but not to violate any existing laws pertaining to reclaimation or effluent discharge. A potential solution might be deteming what is acceptable to the intent of the Wild and Scenic Act and having a clear understanding of its parameters, an example - where does visual stop. As part owner of the Almeda mine, located on the Rogue River in the recreational portion, I see the lack of defined parameters and thus the "cloud" created. Mining companies need to know the rules, they do not want a game plan to change to baseball from football.

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I feel that the "cloud" created by the Wild and Scenic River Act of 1968 has precluded the Almeda from being developed further than it is today. Other mining properties in the area have suffered sinilar problems. The 1988 Omnibus Act may add even more. How many mining properties along the rivers of the 1968 and 1988 Wild and Scenic Rivers Act may never be mining operations is hard to say. I do know that the"River Acts Bill "de-facto's withdraws any of these potential properties from serious development. The de-facto withdrawal is not in the best interest of the citizens of the State of Oregon or the United States. I propose that before the Bill goes to the floor, that adequate funds be allocated to the Bureau of Mines, the U.S.G.S. and the Dept of Geology State of Oregon to ascertain the potential impact that the Omnibus Oregon Wild and Scenic Act of 1988 will have on minerals located within those corriders of these rivers nominated in both 1968 and 1988 Acts I also propose that the report done by these mentioned agencies be considered and weighed especially concerning minerals critical to our Nations well being.

Respectfully submitted by

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Senator **Hatfield**. Thank you very much.

## STATEMENT OF DENNIS CREEL, MANAGER, HAMPTON TREE FARMS, INC., WILLAMINA, OR

Mr. **Creel**. Senator Hatfield, Congressman Smith, I am Dennis Creel, timberland manager for Hampton Tree Farms, Willamina, Oregon.

We view with interest this particular view since it comes at a time when the practice of forestry and responsible forest management is under severe attack by the environmental community, both on private and public lands.

Westside Oregon timberlands are the most productive in the world. In our opinion, they need to be managed with that factor in mind, but also with due consideraion for other values, including environmentally responsible logging and management techniques, wildlife considerations, water production and quality, and, to some extent, scenic considerations in special areas. We are particularly interested in the Nestucca River drainage because we own 40 acres in the area that is under review. While this is not a large parcel of land, it nevertheless represents considerable value to the company and the legislation that is pending is important in terms of arriving at a proper balance between production and aesthetics.

The Nestucca River drainage is subject to recreation, but largely by users that are thoroughly familiar with forest practices and who are accustomed to the temporary disturbance of the visual aspects associated with timber removal and road building. This upper river area is a sizable distance from the area normally visited by tourists who travel up Highway 101. The lower river area is already fully developed and, in our judgment, does not merit consideration for special inclusion as recreational, scenic, nor wild in the context of this legislation. For decades the area had been intensively managed for timber production by both public and private timberland owners. We consider the minor disturbance created to be compatible with the fundamental value of this property.

We are also painfully aware that the environmental extremists have a predisposition for trying to label as "special" any and all areas they can successfully legislate or regulate to constrict or eliminate the practice of forestry. We do not think this is in the public or private interest, and we do not believe it is appropriate to impact on public or private landowners, on forest or agricultural lands in areas that do not have genuinely special characteristics. Further, the concept of "protection" must be used wisely. Proper forest management adequately provides a multiplicity of resources under the Forest Practices Act. We should leave well enough alone unless there is a unique reason for change.

We certainly acknowledge that there will be areas within the state of Oregon that should be given special consideration for designation under the proposed Bill. It is important to state that we would feel the way we do about the Nestucca River drainage whether or not we owned the 40 acres in the upper regions.

Congress has already included three major coastal rivers in the Wilderness System: Cummins Creek, Rock Creek and Drift Creek. These areas containing millions of feet of commercial second growth timber in roadless area were made part of the political compromise in Oregon's Wilderness Bill.

We think that it is unfortunate that only 28.6 percent of the National Forest lands in the 12 western states is still available for the normal practice of forestry, along with other multiple uses. We believe the pendulum has swung too far. Economic activity provides the tax base and community stability provides us with the ability to fund the social service system. Therefore, we believe it is important to be certain that only those areas which have truly unique characteristics and which demonstrate that the highest and best use of the land is for other than the practice of normal forest management, which in our view includes multiple use, be given special consideration under this Bill to minimize the expense of lost productivity and management options on productive forestland.

We have some opinions on the Alsea River drainage area we would like to state at a later time, and I appreciate the opportunity to be here.

Senator **Hatfield**. Thank you.

## STATEMENT OF JIM GEISINGER, PRESIDENT, NORTHWEST FORESTRY ASSOCIATION, PORTLAND, OR

Mr. **Geisinger**. Senator, my name is Jim Geisinger. I am president of the Northwest Forestry Association. I, too, welcome the opportunity you've given us to participate in this hearing and recognize the contribution you and Congressman Smith have made to get this Bill up and moving.

Our organization represents forest products companies that are primarily dependent on public forest lands for their raw-material supply support the objectives of this legislation. We believe it's entirely appropriate to recognize the unique qualities of Oregon's river system and to accommodate the protection of those values through some sort of land-use management plans.

We think the type of recreation these rivers can provide will contribute to Oregon's tourist industry in a meaningful way. A lot of the type of recreation these rivers will provide is capital intensive involving recreational vehicles, campground, and so forth; and it's the type of recreation that is perfect for Oregon's economy. We do look forward to working with your staff as well as special interest groups that have some concerns with this legislation between now and the time that the legislation becomes final.

With that being said, however, we do have a couple concerns about the legislation. I would like to address that now. First of all the impact in Forest Service and Bureau of Land Management timber programs is a concern we have. It is very difficult to determine at this point, with the small amount of information available, just what those impacts will be.

As I understand this process, once the legislation passes, the specific rivers and streams are designated for certain types of classifications, only then are the land management plans done that will specify exactly what restrictions will be placed along those river corridors. So until those plans are done, it's difficult for us to get a good handle on what the timber supply impacts will be.

Our experience is that the final protection measures usually exceed the initial expectations that the agencies had. And we also support what Dennis has touched on that would be an alternative that would incorporate some timber management activities along those corridors, particularly in the scenic and recreational portions of the river, that would allow some timber management practices, whether it be by helicopter, logging, or what have you.

Many of these rivers are already being managed with these types of values you're seeking to preserve. I think the fact that over 40 rivers qualify speaks well to the existing management that has occurred during the 20 years since the legislation has passed.

As we all know, both the Forest Service and BLM are considering land management plans that address these types of values. I guess we do have some reservations about the timing of the legislation and we would at least raise the question whether it would not be better to let these planning procedures be completed and then take a look at what legislative measures might be taken.

So in conclusion, I would say we are not opposed to the legislation. We're looking forward to working with you. We do have some concerns on the timing issue and how it fits in to the formal planning process. And finally we question the magnitude of this effort to increase the Wild and Scenic system from some 317 miles to some 1700 miles with one piece of legislation is a pretty big mouthful to chew at once.

Senator HATFIELD. Thank you.

### STATEMENT OF JOHN ROSSNER, FARMER, YAMHILL COUNTY FARM BUREAU, McMINNVILLE, OR

Mr. ROSSNER. Good morning, Senator, Congressman. I am John Rossner. I am a farmer from Yamhill County. I am past president Yamhill County Farm Bureau and am now second vice president of Oregon Farm Bureau. Unlike on your witness list, I am representing the more than 500-family members of the Yamhill Farm Bureau rather than the Oregon Farm Bureau Federation. Our Federation president will be speaking at another hearing coming up later this month.

Our membership is concerned about the addition of more Wild and Scenic rivers to the amount we already have in Oregon. Our policy as developed by the membership states, We oppose further expansion of Wild and Scenic Rivers to other streams or tributaries. We support programs for water development to reserve suitable upstream storage sites and for initiation of conservation to store water for flood control, recreation, domestic, industrial, and agricultural uses. We support the multiple-use concept of the water in our streams for the benefit of everyone.

As farmers and ranchers, we like to see clear flowing streams, watching the wildlife that lives both in and about the streams, and enjoy the beauty that streams have to offer. What concerns us is the fact that once a stream is designated Wild, Scenic, or Recreational, that stream is locked up from beneficial uses for all people. No impoundments may be built for water supply for municipalities or industry that provide needed jobs. No storage or flood control dams, levees, or other works are allowed to control erosion or flooding. We feel this is very shortsighted and does nothing to benefit the economy of Oregon.

Instead of locking up a stream so nothing will happen, let's look at encouraging watershed development. Oregon is in the midst of a drought. Stream flows in many places are lower than normal summer flows. Let's work to increase the stream flow by building impoundments, not large impoundments but small impoundments in many locations along a stream, particularly near the headwaters; impoundments that would hold 5-, 10-, 25-, 50-, 100-, or even 500-acre feet of water that would be constructed not from concrete, but of rock and soil so as to blend in with the surrounding countryside. Water would be caught during the winter and would be slowly released during the summer. Stream flows would remain high which would be beneficial to aqautic life. The greater stream flow would enhance the aesthetic qualities of the stream. Wildlife would increase around the small ponds formed by the impoundments. An impoundment holding 10-acre feet of water would contain 32.5 million gallons of water. Just think of how that would enhance the summer stream flow, add to the beauty of the stream downstream as well as the beauty of the area around the impoundment with the increased wildlife.

We should be striving towards this type of development.

Another major concern of our members is that once a stream is designated Wild or Scenic nothing can be done to stop streambank erosion. A Soil Conservation technician told me of an incident on the John Day River which is designated a State Scenic waterway. A tree fell into the river and the farmer was prohibited from removing it. As a result the farmer lost over 1200 feet of streambank. He could not remove the tree nor could the Soil Conservation people do so. All that could be done was to watch the streambank disappear downstream. How does that situation improve the scenic beauty of the river? Does a stream full of silt improve the aqautic life? Is this good stewardship of our natural resources? I think not!

Another concern is that municipalities cannot divert water from the Wild, Scenic, or Recreational rivers for the needs of its residents or industry. The municipality is forced to look elsewhere or take water that was previously used by farmers for irrigation. What can we do if the City of McMinnville cannot raise McGuire Dam because the Nestucca River is a Recreational river? They will come to the Yamhill River with no excess water. So they will have the right to shut off farmers' irrigations so they have water for its residents and industry. This would affect agriculture!

In review, the members of the Yamhill County Farm Bureau are opposed to any additional streams receiving the Wild and Scenic designation. We propose rather that more work be undertaken to enhance water development by encouraging the construction of small impoundment structures along with other conservative measures to increase stream flows. Although a stream may not carry a Wild, Scenic, or Recreational designation, the end result would be even better. Streams would have increased stream flows during the summer, less soil erosion, and more wildlife habitat, all of which could be enjoyed by all Oregonians.

Thank you for this opportunity.

Senator HATFIELD. Thank you.

## STATEMENT OF RICH CUSTER, ASSISTANT GENERAL MANAGER, McMINNVILLE WATER & LIGHT DEPARTMENT, McMINNVILLE, OR

Mr. CUSTER. Senator Hatfield, Congressman Smith. My name is Rich Custer, and I am representing City of McMinnville Water & Light Department.

Thank you for this opportunity to speak before you today. One mission of the McMinnville Water & Light Commission is to supply water meeting safe drinking water standards to approximately 15,000 people. The quality and quantity issues faced by the utility in achieving its mission require sound long-range planning.

The plans for the present McMinnville water supply date back to 1916 when the Water & Light Commission selected Haskins Creek, 15 miles into the coast range, for its water supply. As the town grew, an impoundment was constructed in 1926 and enlarged in 1949. Continuing the tradition of foresight and planning, the department in 1957 analyzed many options for additional water supply. Feasibility studies and encouragement from state officials placed impoundments on the headwaters of the Nestucca River and Walker Creek as the top alternatives. Interbasin transfers from these systems would allow the use of excess winter run-off water summer and fall in the water-short Willamette Valley. Water rights for these projects date back to 1958. In 1969 the department completed the McGuire Dam and reservoir, and we deeply appreciated, Senator Hatfield, your help and support with the project and your presence at the dedication ceremony.

Through the 1970's and 1980's, the department continued long-range planning and engineering studies to refine estimates of future water needs and to design the authorized impoundment on Walker Creek. Although the department has spent approximately $1 million on that project, environmental obstacles remain unresolved. In order to address interim water needs, the department is proceeding with a feasibility study to raise the McGuire Dam.

We are here today because we are concerned with the blanket designation of the entire Nestucca River as "recreational" in S. 2148. Specifically, we would like to know the "one or more outstandingly remarkable qualities" of the upper reach of the Nestucca River that qualify it for protection, and we'd like to see the data that substantiates that proposed action. We are not aware of an Environmental Impact Statement for this action. This appears to us as an inequity; resource "providers" are required to provide analytical data for every proposed action, while resource "preservers" prevail with very soft data.

The cost to present and future generations of locking up resources should demand that issues be fully examined and the chosen outcome be in the complete public interest. We would like to touch briefly on our findings, facts about the upper reach of the Nestucca River and will submit further written testimony for your review."

[The prepared statement of Mr. Custer follows:]

# TESTIMONY BEFORE THE
# SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

S.2148

John Harshman, General Manager
Rich Custer, Assistant General Manager
Jack Nicholls, Operations Superintendent
McMinnville Water & Light Department, McMinnville, Oregon
May 3, 1988

Members of the Committee, my name is Rich Custer, and I'm Assistant General Manager of the McMinnville Water & Light Department. Thank you for this opportunity to speak to you today. One mission of the McMinnville Water & Light Commission is to supply water meeting safe drinking water standards to approximately 15,000 people. The quality and quantity issues faced by the utility in achieving its mission require sound long range planning.

The plans for the present McMinnville water supply date back to 1916, when the Water & Light Commission selected Haskins Creek, 15 miles into the coast range, for its water supply. As the town grew, an impoundment was constructed on Haskins Creek in 1926, and enlarged in 1949. Continuing the tradition of foresight and planning, the department in 1957 analyzed many options for additional water supply. Feasibility studies, and encouragement from state officials, placed impoundments on the headwaters of the Nestucca River and Walker Creek as the top alternatives. Interbasin transfers from these systems would allow the use of excess winter run-off water to be utilized during the summer and fall in the water-short Willamette Valley. Water rights for these projects date back to 1958. In 1969 the department completed the McGuire Dam and reservoir, and we deeply appreciated, Senator

Hatfield, your help and support with the project, and your presence at the dedication. Through the 1970's and 1980's, the department continued long-range planning and engineering studies to refine estimates of future water needs and to design the authorized impoundment on Walker Creek. Although the department has spent approximately one million dollars on the project, environmental obstacles remain unresolved. In order to address interim water needs, the department is proceeding with a feasibility study to raise the McGuire Dam.

We are here today because we are concerned with the blanket designation of the entire Nestucca River as "recreational" in S-2148. Specifically, we would like to know the "one or more outstandingly remarkable qualities" of the upper reach of the Nestucca River that qualify it for protection, and we would like to see the data that substantiates the proposed action. We are not aware of an Environmental Impact Statement for this action. This appears to us as an inequity; resource "providers" are required to provide analytical data for every proposed action, while resource "preservers" prevail with very soft data. The cost to present and future generations of locking up such resources should demand that the issues be fully examined and the chosen outcome be in the complete public interest. We would like to touch briefly upon our findings, facts about the upper reach of the Nestucca River, and will submit further written testimony for your review.

Well over 95% of the land bordering the upper reach of the Nestucca River is non-federal, and may not always meet the accessibility criteria of a recreational river area. Federal regulation of private land, regardless of intent, is a cause of concern. Oregon's land use planning process provides a thorough review of any proposed development, Oregon's new Forest Practices Act riparian provision provides protection for all Class I and Class II streams and rivers, and the Oregon Water Resources Commission has in the past, and continues to, review all requests for water appropriations.

There is comparatively little fish habitat in the upper reach of the Nestucca River. Of the 205 miles of anadromous fish habitat, only 3.95% is in the upper reach of the Nestucca. Approximately 44% of the entire habitat is already under federal administration. Figures from the "Nestucca Basin Anadromous Salmonid Habitat Overview" (BLM,USFWS,ODFW) indicate that state and federal agencies have identified approximately 1/2 million dollars for habitat for 15,000 fish. Almost 2.25 million spring chinook and coho salmon have been raised in the McMinnville Water & Light's McGuire Reservoir, a habitat that has been made available to the Oregon Department of Fish and Wildlife through the voluntary cooperation of the McMinnville Water & Light Commission.

Working in cooperation with Federal and State agencies, McMinnville underwrote a thorough study of a 6-7 mile segment of the upper Nestucca River in 1985. The outcome of this study was a proposed fisheries mitigation. Referring to the mitigation plan, Oregon Department of Fish and Wildlife staff has said, "It is conceivable that joint operation of McGuire-Walker reservoirs, which will be interconnected, will provide an overall beneficial regulation of upper Nestucca streamflow for support of acquatic life, especially during drought periods."

The recreational river designation would interfere with other uses of the river that are of higher priority (Oregon Water Law [536.310]). We are concerned that, as written, the bill will create unnecessary impediments and time delays in expanding our water supply on the upper Nestucca. The McGuire project is environmentally sound and stores excess coastal winter runoff. McMinnville does not compete with agriculture or other population centers for limited Willamette Valley water resources. Because the system is gravity operated, it is a model of energy conservation. The upstream storage of water is recognized as an enhancement to the multiple-use concept of a natural resource. The enlargement of McMinnville's water supply is identified in a list of suitable reservoir sites in the 1974 Coastal Zone Management Plan, the 1975 study for the Oregon Coastal Conservation & Development Commission, and the 1978 study for the Pacific Northwest River Basins Commission.

We would like you to reconsider the upper boundary for the recreational designation of the Nestucca River. We do not believe that the data indicates the kinds of values that the Wild and Scenic Rivers Act intended to protect. We believe there is a unique opportunity for a cooperative effort between McMinnville and those who use and enjoy the recreational benefits of the Nestucca River, an effort that will truly be in the complete public interest.

Senator **Hatfield**. That additional testimony will be welcome, and we will include the rest of your statement in the record.

Mr. **Custer**. Thank you, sir.

## STATEMENT OF JAMES KELLER, CITY MANAGER, CITY OF KLAMATH FALLS, OR

Mr. **Keller**. Good morning. Senator Hatfield and Congressman Smith, my name is Jim Keller, City Manager for the City of Klamath Falls.

On behalf of the people of Klamath Falls, Mayor George Flitcraft and the City Council, I would like to thank you for staging the hearings in various cities in the state on this very important matter. Oregon City happens to be my birthplace and my grandparents homesteaded land within 20 miles of here.

Senator Hatfield, you have been a strong advocate of seeking balance between the economy and the environment when considering the questions of the use of natural resources. As you know, Oregon owes its economic existence to its natural resources. Today the state is somewhat less dependent on the development of those resources, but in cities like Klamath Falls a realistic view is very important.

The City of Klamath Falls, still struggling with over 12 percent unemployed years after the recession is pronounced dead is seeking to harness a part of the Klamath River's hydro potential, not for private gain, but for the good of today's citizens, their children and grandchildren. As you know, the Klamath River runs for almost 200 miles. Under President Carter, the river was examined for Wild and Scenic potential. It was decided that the 190 miles flowing through California with its anadromous fish runs should be designated Wild and Scenic, but the upper portion of the Klamath with five dams in a 35-mile stretch, with water flows in some reaches that rise and fall three feet per day and no anadromous runs, was left for its historical uses—uses outlined in the Klamath River Compact—irrigation, recreation, hydro, and so forth. Water users maintain the current and future hydro projects must serve to retire the large debt that will be incurred to develop off-stream storage of badly needed water in the Klamath Basin.

In the selection of rivers in S. 2148, you chose to omit the Klamath River. I applaude your judgment, for inclusion of the Klamath would do a disservice to the notion of Wild and Scenic.

I am a fisherman, a hunter, and a person who greatly enjoys the natural wonders of the Pacific Northwest. I certainly believe that some rivers should be brought under the protection of the Federal Wild and Scenic Act. On the other hand, I feel that inclusion of the Klamath River would not satisfy the criteria of Wild & Scenic, but serve solely to frustrate the activities of one community in its desire to create solutions to its severe economic problems.

We Oregonians are facing a serious problem. Our young are leaving the state in search of opportunities. As a grandparent, I will tell you that one aspect missing in the quality of my life is frequent contact with a granddaughter who lives in Southern California. A majority of our state is owned by the Federal and State governments. Set-asides are costly and must be considered very carefully before they are cemented into the law. You will be asked by some to include the Klamath River, but I suggest we Oregonians must be very careful in striving for that balance between achieving a healthy economy that will support our young, and a responsible environmental policy that will preserve true natural resources.

Senator HATFIELD. Thank you. We will take your whole statement.

Let me just comment quickly on a number of points you've made. It's very helpful testimony. First of all, I think you have to realize that—I'll address, you, Mr. Keller, first—that the licensing process through the State agencies and the Federal Energy Regulatory Commission for your Salt Caves Dam project, will address some of these same issues that will be raised in this process, and there will be an evaluation made there as well. So, in effect, that project is not secure, even with its omission from this Bill. We're not addressing the substantive questions by this omission.

I also want to point out that I can appreciate the force of your problem, in exercising your Constitutional rights in the context of the current moment where frustrations that come out of buy-back timber sales being challenged in mass, which to me violates the whole integrity of having appeals in the first instance. The effort to create a de facto wilderness by some environmentalists, the 2 million acres which we returned for multiple use in the specific release language in the Omnibus Wilderness Bill of 1984 which again is not keeping faith with what the legislative process created, and I won't get into the Ninth Circuit Court or what my views of the Ninth Circuit Court are. But trying to again exercise constitutional rights, no question about it; but to me, with a very definite lack of good faith. The effort to block even salvaging one of the Silver Creek forest fires down south, the forest planning process and preliminary reports of reduction of the allowable timber-harvest by maybe 20 percent—one-fifth—all of these things create an unknown future, which is very difficult.

I know some mills are on 30-day supply. Speculation has returned to the process, which is terrible. All of these things create almost chaos for trying to predict the jobs of a goodly number of Oregonians. I understand all that. But let me also say I would hate to see the timber industry get polarized into a situation dealing with Wild and Scenic Rivers. It always creates the imagery that the timber industry has no consideration for the environment. I don't think that's true from the timber people I know.

But the Forest Service tells us the impact on the reduction of allowable cutting in this legislation is about 3.6 million board feet statewide. Now, that represents less than one half of an average timber sale.

Also I think we ought to make the record very clear that this is because there are strong regulations in place now under sound timber management policy that protects the rivers. We're not allowing that kind of logging to occur down on the river banks and in the timber harvest sales. So in effect it's a very minimal impact on the timber availability in this state that this Bill represents. I frankly would like to see the timber industry mobilize behind this Bill as a symbol of their deep concern for the environment.

When you look at the fact that we have 90,000 miles of riverways in this state, 55,000 miles of unnamed rivers and 35,000 miles of named rivers, when we're talking about 2,000 miles out of 90,000 potential miles, it's a very minimal approach again. It only represents 5 percent of our named rivers.

I would like to serve in the Congress to the time where the environmentalists and timber industry unite behind something involving an environmental focus and a balance again.

I sometimes think I must be in the right position. I get Hail Columbia from both sides. In the wilderness issue, the so-called environmentalists weren't satisfied. It was a paltry few thousand acres. On the other side, the timber industry thought it was a horrible dimunition of rich timber lands available for havesting.

However, I do feel this Wild and Scenic Rivers Bill will hopefully ultimately get understanding behind it so we won't get into this polarization, which is very difficult for Congressman Smith and all of us in the delegation to represent all of the state of Oregon, not just one segment, and try to keep this balance.

I had a theme in my governorship: payrolls and playgrounds. Unfortunately, that whole period of time where we developed the highest number of jobs in the history of the state—800,000 jobs in eight years—we also marched forward in the environmental front, creating parks at an unprecedented rate and other such environmental concerns—Willamette River. I remember when we didn't have teeth in that law. In my administration, we took on the City of Portland which was the real test whether we were going to have that river cleaned up. We took them on in a legal action which we were willing to do. Like I said, we didn't have the teeth in the legislation because we had to do it by persuasion. Not with a club, but by persuasion. And we should ever honor the memory of those people who headed up that thing, that sanitary authority who had to do it by persuasion.

But anyway, I just want to say we're still seeking balance here in this proposed legislation. We understand the Nestucca, and that is a legitimate question you raised. We want to deal with that. But I don't think we can hold up the whole planning process, and I don't think we can hold up this bill. I think we need to push it on through.

Congressman Smith, I know you must want to say something on this particular issue. This is the guts of the matter.

Mr. SMITH. Yes, sir. I appreciate your comments, and I think you're right on the mark with your comments to try and get the Draft Bill that we have into a position where it's going to do the most for both segments of Oregon, those which would like everything preserved and those of us concerned about jobs, and we do walk a thin line to represent everyone.

I am happy to be able to support this legislation and try and help modify it. I think Mr. Geisinger's comment about the fact that we support the objectives as an industry—or the people you represent—is very positive. And one of the reasons that I am proud to be able to put the Bill into the House side is that I support the objectives.

I think it's a matter of trying to be sure we do protect the water rights, and the original Act, of course, protects the existing rights.

So it's one of those things where we want to make sure we don't take away from future rights, but also we do want to make sure it's not, as the Senator said, a de facto wilderness and not going beyond what is intended.

I think we can balance those things; it's possible to do that. We do appreciate your testimony and a chance to elicit that. We welcome your support and additional comments down the line.

Thank you, Senator.

Senator HATFIELD. And we still have spotted owl and old-growth issues.

Thank you, gentlemen.

Mr. Keller, I have this letter from the mayor which I will include in the record as well.

Mr. KELLER. Thank you.

[The prepared statements of Mr. Keller and Mr. Flitcraft follow:]

# STATEMENT

# OF

# JAMES KELLER

City of Klamath Falls, OR

May 3, 1988

On behalf of the people of Klamath Falls, Mayor George Flitcraft and the City Council, I would like to thank you for staging these hearings in various cities in the state on this very important matter. Oregon City happens to be my birthplace and my great grandparents homesteaded land within twenty miles of here.

Senator Hatfield, you have been a strong advocate of seeking balance between the economy and the environment when considering questions of the use of natural resources. As you know, Oregon owes its economic existence to its natural resources. Today the state is somewhat less dependent on the development of those resources, but in cities like Klamath Falls a realistic view of the environment is very important.

The City of Klamath Falls, still struggling with over 12% unemployment years after the recession has been pronounced dead, is seeking to harness a part of the Klamath River's hydro potential, not for private gain, but for the good of today's citizens, their children and grandchildren. As you know, the Klamath River runs for almost 200 miles. Under President Carter, the river was examined for Wild & Scenic potential. It was decided that the 190 miles flowing through California with its anadromous fish runs should be designated Wild & Scenic, but the upper portion of the Klamath with five dams in a 35 mile stretch, with water flows in some reaches that rise and fall 3 feet per day and no anadromous runs, was left for its historical uses--uses outlined in the Klamath River Compact--irrigation, recreation, hydro, etc. Water users maintain the current and future hydro projects must serve to retire the large debt that will be incurred to develop off stream storage of badly needed water in the Klamath Basin.

In the selection of rivers in S. 2148, you chose to omit the Klamath River, I applaud your judgment, for inclusion of the Klamath would do a disservice to the notion of Wild & Scenic.

I am a fisherman, a hunter, and a person who greatly enjoys the natural wonders of the Pacific Northwest. I certainly believe that some rivers should be brought under the protection of the federal Wild & Scenic Act. On the other hand, I feel that inclusion of the Klamath River would not satisfy the criteria of Wild & Scenic, but serve solely to frustrate the activities of one community in its desire to create solutions to its severe economic problems.

We Oregonians are facing a serious problem--our young are leaving the State in search of opportunities. As a grandparent, I will tell you that one aspect missing in the quality of my life, is frequent contact with a granddaughter who lives in Southern California. The majority of our State is owned by the federal and state governments. Set-asides are costly, and must be considered very carefully before they are cemented in the law. You will be asked by some to include the Klamath River, but I suggest that we Oregonians must be very careful in striving for that balance between achieving a healthy economy that will support our young, and a responsible environmental policy that will preserve true natural treasurers.

I would further like to thank you for your stated position on the Salt Caves Hydroelectric Project. We in Klamath Falls have spent years of effort (both professional and volunteer), and millions of dollars attempting to weave our way through a very difficult process to site an environmentally acceptable hydro project. As a result of that process, the entire project was scaled down through a redesign in the Fall of 1986. An 1100 foot spawning channel was designed to provide badly needed spawning habitat for the wild trout, and this year the City introduced a rafting release program that will provide adequate flows of up to 1500 cfs on 12 days of summer to provide a white water opportunity equal to that which is enjoyed today, albeit in a shorter time frame. Your statement reflected what has been our request of those who are elected to office, namely, to allow the process to continue without interference from the legislatures, let the process decide whether the Salt Caves Project can meet the high environmental standards set in law in 1988. I am certain that it can.

Finally, Senator Hatfield, I ask you to remain steadfast in your position on the Klamath River. The Wild & Scenic issue is very important. I am certain you would agree with me when I say that attempting to include in the river inventory a stream that produces musty tasting fish that cannot be eaten in the summer due to algae ingestion, does not speak well for the concept of Wild & Scenic. I wish you well as S. 2148 continues through the process and, again, thank you for the opportunity to address the issue.

CITY OF KLAMATH FALLS, OREGON
AN EQUAL OPPORTUNITY EMPLOYER
P.O. Box 237
97601

SISTER CITY
ROTORUA, NEW ZEALAND

April 27, 1988

The Honorable Mark O. Hatfield
United States Senate
SH-711 Hart Senate Office Building
Washington, D.C. 20510-3701

Re: Oregon Omnibus Wild and Scenic
Rivers Act of 1988 - S. 2148

Dear Senator ~~Hatfield~~ Mark:

I would like to take this opportunity to applaud your past and current efforts to provide for the balanced and appropriate use of the natural resources within the State of Oregon. Your assessment, made during our visit to your Washington, D.C. office in February 1987, that the economy and environment in Oregon is currently out of balance, was accurate -- and growing daily in its imbalance. Your continued efforts to effect greater balance in the utilization and protection of the water, timber, grazing, mining and environmental resources which constitute the basis of our Oregon economy and heritage will have significant influence on the quality of life for future generations of Oregon residents.

At this time, I wish to commend you for recognizing that not all Oregon rivers are suitable for inclusion into the National Wild and Scenic River System. In particular, I am referring to the upper Klamath River, which is the site of the City of Klamath Falls' proposed Salt Caves Hydroelectric Project. As you are well aware, the City has been diligently pursing the licensing of this facility as an economic development project which has the potential for benefiting not only the residents of Klamath Falls, but also those residents located throughout Klamath County and Southern Oregon.

This portion of the Klamath River has been managed under the Interstate Klamath Compact for the benefit of public interest. This portion of the river provides critical water and renewable energy resources to residents of Southern Oregon which have enabled them to achieve community objectives which include a viable agricultural industry, diversified employment opportunities and a minimum standard of living that would not be available without the river's development.

500 KLAMATH AVENUE
MAYOR
CITY MANAGER
883-5316
PERSONNEL
DIRECTOR
883-5316
CITY ATTORNEY
883-5323
FINANCE / INFORMATION
883-5310
WATER & SEWER
UTILITIES DEPARTMENT
883-5301

MEMORIAL DRIVE
ANIMAL CONTROL
883-5379
AIRPORT
MUNICIPAL AIRPORT
883-5372

425 WALNUT STREET
POLICE DEPARTMENT
[illegible]
143 BROAD STREET
FIRE DEPARTMENT
[illegible]
CODE ENFORCEMENT
[illegible]

226 SOUTH FIFTH STREET
PARKS, RECREATION
AND CEMETERIES
883-5371
BUSINESS LICENSE
[illegible]
PUBLIC WORKS
[illegible]
PLANNING
[illegible]

AREA CODE 503

This past history of water and energy management has essentially precluded strict preservation of the river's wild, scenic or recreational values. This portion of the river is no longer free flowing due to upstream flow regulation and water storage. In fact, the existing white-water recreation activities occurring on the river are only possible due to the extreme peak flows that emanate from these facilities. There are electric power transmission facilities located parallel to the river throughout much of this river reach. In addition, there has, and continues to be, extensive grazing and limited timber production along the length of the river, which contributes to the modification of the area's scenic qualities.

My basic position is that this portion of the Klamath River is not suitable for inclusion into the National Wild and Scenic River System. Too much has been done in the past to alter the river's natural qualities, while so much is being relied upon our ability to utilize the river's multiple resources. Designation of the river in S. 2148 or any other similar legislation would dilute the quality of the Wild and Scenic River System, as well as directly obstruct the ongoing efforts of the City of Klamath Falls to provide a stable, growing economy for our residents. Any designation of this type would shatter the hopes of existing and future Klamath residents to share in the economic prosperity that can be achieved with development of the Salt Caves Project.

To reiterate my opinion, I believe that you have taken the appropriate position by not including this portion of the Klamath River in the Oregon Omnibus Wild and Scenic Rivers Act of 1988. This action recognizes that this river has and can continue to provide other resource values, such as the development of hydroelectric power potential, in a manner that is compatible with other environmental resources and in the public interest.

I continue to maintain my high regard for your efforts to balance the various demands on Oregon natural resources, and I support the omission of the Klamath River from the proposed legislation.

Sincerely,

George C. Flitcraft
Mayor

GCF/trw

cc: The Honorable Bob Packwood

Senator **Hatfield**. I would like to invite Panel 4 now: Mr. Mark Valens, Miss Diana Bradshaw, Miss Leslie McKay, Miss Fran Petersen, Mr. Joe Ferguson.

Good morning. Happy to have you here today. You may proceed.

## STATEMENT OF DIANA BRADSHAW, PORTLAND AUDUBON SOCIETY CONSERVATION COMMITTEE, PORTLAND, OR

Ms. **Bradshaw**. My name is Diana Bradsaw, and I am testifying for the Portland Audubon Society Conservation Committee.

Portland Audubon is pleased to be given the opportunity to express support for this Wild and Scenic Rivers legislation, and we want to thank you, Senator Hatfield, for introducing it and holding this hearing. Our interest in the Bill, as well as in other efforts to protect rivers at the State and Federal levels, stems from our longstanding commitment to the preservation of wildlife and wildlife habitat. We have a few suggestions for additions, but we are very excited about S. 2148's introduction.

Oregon's rivers and streams provide a wide range of wildlife habitats. Clean, clear water in the stream nurtures salmon, trout, and other aquatic species. Streamside vegetation supports a rich diversity of wildlife, particularly in Oregon's arid regions, where the majority of wildlife species are found in habitat along streams and rivers such as the Donner Und Blitzen, for some if not all of their lives. They drink, eat, rest, travel, mate, and raise their young near water. Wildlife species whose range extends far away from rivers return to them in search of water, food, and shelter. They also migrate along rivers between winter and summer range. One only has to visit the Imnaha or North Fork Crooked Rivers in winter to see the important role that river canyons play in sheltering the far-reaching bald eagle, elk, deer, and many other wildlife species.

All the aquatic organisms, even those that are not visible to us, play a role in the stream environment, whether they provide food for fish, birds, or other species, or help to maintain clear water. Many of the roles that those organisms play are directly linked to the surrounding terrestrial ecosystem so that any impact to the stream affects the land, and vice versa.

Because of the important role that rivers play in supporting the wildlife of the state, Portland Audubon strongly supports measures to protect them as Wild and Scenic Rivers at Federal and State levels. We support designation of the river segments in S. 2148 as well as the designation of the additional rivers included in H.R. 4164. We are particularly concerned that the Klamath and Elk Rivers, which are found only in the House Bill, be protected.

Portland Audubon also supports consideration of the list of additional rivers that has been proprosed by the Oregon Rivers Council. Furthermore, river segments included in the Oregon Rivers Initiative which are not already a part of the Federal legislation should be included as well as. One of those which is of particular interest to us is Walker Creek on the Upper Nestucca River.

Thank you.

Senator **Hatfield**. Thank you. I'll communicate to Senator McClure your support.

## STATEMENT OF FRAN PETERSEN, LOWER COLUMBIA CANOE CLUB, PORTLAND, OR

Ms. **Petersen**. Hi. I am Fran Petersen. I am representing the Lower Columbia Canoe Club. The club would like to strongly support the Federal Wild and Scenic Omnibus legislation which has been introduced by Senator Hatfield and Packwood, and while the club recognizes that there are a variety of mechanisms to river management, Wild and Scenic is the club's preference for protection of rivers that are identified in addition to a number of other rivers we would like to suggest for your consideration.

The Lower Columbia Canoe Club is a 200-member organization primarily from the Portland area, and it includes both flat and whitewater paddling. During the winter paddling is mostly whitewater trips; but during the remainder of the year, the club goes out almost every weekend, not just for day trips but weekend trips as well.

And that brings me to our interest in the rivers that are included in your bill since we regularly take trips over weekends on the North and South Forks of the John Day as well as the Grand Ronde Minam and the Sycan and the North Umpqua. Other rivers that we paddle that are included in your Bill includes the Deschutes, Metolius, McKenzie, Nestucca, and Courtsville Creek. I would like to mention some of the specific values of those rivers to you and also make you aware of the fact that club members not only appreciate these rivers for a recreational value, but are also extremely aware of the environmental and aesthetic qualities of those rivers.

The Metolius is an almost magical river to us. It springs up full force to its constant flow. Club members enjoy paddling from Miller's Ridge to Lake Chinook, and it provides advanced paddlers with a challenging run.

The Grand Ronde Minam is one of our favorite weekend canoe camping trips, and we've been doing this every year for nine years.

The McKenzie River provides intermediate paddlers with fast-moving but not overwhelmingly technical waters, and this is heavily used. And the North Fork of the John Day is a beautiful river starting in the mountains and going down to the desert.

## STATEMENT OF MARK VALENS, CHAIRMAN, SAVE OUR KLAMATH, BEATTY, OR

Mr. **Valens**. Good morning. I am Mark Valens from Klamath County. I come wearing two hats. Wearing both hats, I want to thank you for coming today and especially I want to thank you for introducing your bill which highlights the importance of saving our rivers.

First hat as a private citizen, I would like to say I have a 300-acre ranch in Klamath County within the Winema and Fremont National Forests. I run up to 60 cow-calf pairs. The Sycan River runs right through the middle of my ranch. The Sycan fishery and its wild beauty has already been compromised by logging too close to the river. The river deserves protection. I support the Wild and Scenic Rivers law, and I have found it no threat to continued cattle operation. The Williamson and Sprague Rivers are also favorites of mine and should be protected.

Now for my other hat. I am chairman of Save Our Klamath River, a group of over 300 mostly local folks who for years have been trying to prevent further devastation of our favorite local river. That is not included in your Bill, but we strongly urge you to consider inclusion.

The Klamath is the only river other than the Columbia to cut through all the way through the Cascade Mountains. The environmental changes in geology, vegetation, climate and animal life from the Eastern Oregon pine forests to the Western oak and brush is unique among all Oregon rivers.

The wild trout fishery in Prine Canyon is one of the best in Oregon. Unless it keeps raining for another 40 days, the Klamath is likely to have the only class four and five whitewater rafting in the Western U.S. These resources are of such incredible value to all Oregonians, for all Americans, that they should be protected for our future.

Now is the time for Wild and Scenic protection for the Klamath. Now is the time because the Salt Caves Dam poses an immediate threat to the river we love. I ask you to find real local support for Salt Caves Dam. We believe you will find only a relatively few number of politicians and business people, some of whom stand to personally gain from the project. Far and away most of the local people treasure the river for its recreational and scenic values, and they see through the illusory promises of the present administration.

Support for the river is growing rapidly. The Federal Energy Regulatory Commission process does not give a fair hearing to the broader public policy issues of whether or not the river should be saved. Even if the City were able to eke out a few dollars from the project, a subject which we dispute, we feel the river is far too valuable.

The Klamath is exactly the kind of river this Wild and Scenic Act is designed to protect. The river has been compromised by the dams that kill the salmon runs that used to run all the way to the Williamson, the Sprague, and the Sycan. Right now we have an opportunity to save the only part of the Upper Klamath that has never been dammed. We urge you to add the Klamath to your Bill. Thank you.

Senator HATFIELD. Thank you very much. Did Leslie McKay or Joe Ferguson arrive—They were scheduled for this panel. If they come later, we hope to hear from them. We appreciate very much your contribution, and again please follow up with the additional material.

Now, Panel No. 5, George Frampton, another one of our friends from Washington, D.C., representing the Wilderness Society, Jim Montieth, Al Ainsworth, Michael Becerra, Bob Doppelt. Panel No. 5.

Thank you, gentlemen, for being here.

## STATEMENT OF AL AINSWORTH, CHAIRMAN OF THE BOARD, NORTHWEST RAFTERS ASSOCIATION, CORVALLIS, OR

Mr. AINSWORTH. Good morning, Senator Hatfield, Congressman Smith, members of the professional staff, and fellow concerned Oregonians. I am Al Ainsworth. I am chairman of the board of the Northwest Rafters Association. We are a boating organization with more than 500 members with chapters throughout the state of Oregon.

We would like to thank the Senator and Congressman Smith and his colleagues for the introduction of Senate Bill 2148 and House Bill 4164. We feel these are both monumental Bills and enhance the 1968 Wild and Scenic Act and also set an example for the rest of the Nation. Again Oregon has taken a lead in protecting our resources as Senator Hatfield again is leading the role.

The NWRA recognizes Senator Hatfield's efforts in 1984 when the Illinois and Owyhee Rivers were added to the Federal Wild and Scenic Act. Our organization voted the Senator as environmentalist of the year in 1984 and presented the Senator with a plaque.

Currently the NWRA is in the midst of going through the hearing process within our organization. We are discussing rivers, segments, classifications of the 40 rivers in the Bill as well as rivers not included in the Bill. So while I will not comment on specific rivers today, I will say the NWRA will present its findings in a report to be submitted to the Portland office prior to the June 15th deadline.

Again thank you for the historic legislation and the opportunity to comment on the two Bills. Thank you again.

Senator HATFIELD. Thank you.

## STATEMENT OF JIM MONTIETH, EXECUTIVE DIRECTOR, OREGON NATURAL RESOURCES COUNCIL, PORTLAND, OR

Mr. MONTIETH. Good morning, Senator, Congressman. Welcome both of you home. Obviously this is an appropriate day to talk about water, a typical day for us, and we're very happy to be here. And you recall, Senator Hatfield, in 1984 we were able to do some work on the Owyhee and Illinois Rivers, and before that some work on the Snake River and Hell's Canyon.

It's been a long time since a major Bill on rivers, and we're very excited to see this Bill. The commitment the Congress is showing here and your personal commitment and that of your colleagues, as Kevin Coyle said earlier. The rest of the Nation is watching. It's a prime opportunity in Oregon's view to do the right thing on rivers.

I think this Bill is an excellent start and we're very excited about it. I do want to point out, however, you will hear a lot about rivers that are missing from this bill. I want to point out if there is indeed one single purpose about the Wild and Scenic Rivers Act it is to preclude the damage on threatened rivers.

There are four rivers currently in Oregon with dams threatened on them that are not included in the bill, and I wanted to touch on those briefly.

Of course, the Klamath has been discussed at length and will continue to be discussed. As one that grew up in Klamath Falls, I was quite excited to see Governor Goldschmidt make his decision.

And I would urge that you not prolong the agony any longer. I understand the concerns you have about the litigation and other aspects. But I think in reality, there's no question of the quality of the Klamath nationally as well as statewide.

Second is the South Fork McKenzie River, endangered by the long-standing Stube Dam proposal. The dam is a direct threat to the river.

Third, Walker Creek on the Nestucca. The Nestucca River doesn't get talked enough about. The river is one of Oregon's, at least western Oregon's, most valuable steelhead streams. Several times as valuable as most others, and Walker Creek is the largest and more important tributary of the river.

And finally the lower 33 miles of the Snake, which you helped protect in 1975, threatened again by the Asotin Dam.

Not to mention others like Opal Creek, Breitenbush, the Elk, and the Chewaucan. There are many others. But I think specialists will agree that without these cornerstone rivers, it would be difficult to consider this Bill a complete package. As you said, it's not the end of the Wild and Scenic Bill, and we're aware of that. But because this is so important, it would be a mistake not to include these very important rivers. Again, thank you for your efforts.

[The prepared statement of Mr. Monteith follows:]

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STATEMENT OF

**JAMES MONTEITH, EXECUTIVE DIRECTOR**

Concerning S 2148

before the

Subcommittee on Public Lands. National Parks and Forests

Senate Energy and Natural Resources Committee

3 May 1988

Oregon City, Oregon

Good morning. I'm James Monteith, Executive Director of the Oregon Natural Resources Council. It's always a pleasure to welcome our senior Senator home, and to see the Subcommittee members out on the Western Front. I'm especially pleased that we are here to discuss Oregon's rivers. Although we were able to work together in 1984 to protect the Illinois and Owyhee Rivers in the National Wild and Scenic Rivers System, most of Oregon's rivers and streams remain unclassified and unprotected. Decades and decades of dam-building and other exploitive developments in river corridors have compromised more of our streams than we could afford, and now is the time to remedy this situation

Oregon Natural Resources Council is an association of over 85 conservation, sportsmen, business, education and outdoor recreation organizations and more than 3,000 individual members. The Council will be submitting a substantial amount of input during the hearings period over the next 4-5 weeks, and would like to confine our remarks today to highlights of this discussion bill. First of all, let me emphasize how excited we are about the commitment by Congress to enact major federal rivers legislation for Oregon, and in particular, Senator Hatfield, your personal agenda to achieve that accomplishment as soon as possible. Although we do not view this as the last Wild and Scenic Rivers legislation for Oregon, we feel strongly that this bill simply must include those rivers which both merit this highest level of federal protection, and which are directly or indirectly threatened by dams, diversions, and other forms of riverine degradation.

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Oregon enjoys an unparalleled rivers resource. In some states 40 or 50. 75 or even 100 rivers might be too many to designate. In Oregon, it's appropriate that the bill be large and extensive. But exciting as the draft bill is. it simply doesn't yet adequately represent the richness and diversity of our free-flowing streams.

The most significant shortcoming of the bill, in its current form, is that it fails to include the four rivers in Oregon currently threatened by dams. If there is a single purpose of the federal Wild and Scenic Rivers Act, it is to preclude dams on highly treasured rivers. Unfortunately, the draft Senate bill omits all four. They are:

1) The Klamath River, threatened by the infamous Salt Caves Dam proposal;

2) The South Fork McKenzie River, endangered by the long-standing Strube Dam proposal;

3) Walker Creek. the largest and uppermost tributary to the Nestucca River in the Oregon Coast Range, and one of Oregon's most valuable steelhead and salmon streams; the proposed Walker Creek Dam would innundate spawning beds and greatly impact the Nestucca; and

4) The lower 33 miles of the Snake River, as if flows from Hells Canyon, which is once-again threatened by the Asotin Dam. This stretch of wild water was designated a study river in the Hells Canyon National Recreation Area Act; the Asotin Dam would back water up into Hells Canyon and up the Grande Ronde, another river itself destined to be designated Wild and Scenic.

These four rivers, along with many others like Opal Creek, the Breitenbush, the Elk and the Chewaucan, are appropriate for inclusion in this bill. Additional testimony will attest to their merits and values, and will detail the threats they face. Clearly, any Wild and Scenic Rivers legislation for Oregon would be incomplete and lacking if these cornerstone rivers are orphaned by the bill.

We thank you for your time and interest, and welcome the opportunity to work with you in any way possible to enlarge and enact this extremely important legislation.

I hope to see all of you on Memorial Day on the other side of the Cascades.

121/RivSubcomm

Senator **Hatfield**. Thank you.

## STATEMENT OF MICHAEL BECERRA, PAST PRESIDENT, WILLAMETTE KAYAK AND CANOE CLUB, CORVALLIS, OR

Mr. **Becerra**. Morning, Senator Hatfield and Congressman Smith. Thank you for this opportunity. My name is Mike Becerra. I am recently president of Willamette Kayak and Canoe Club which is mainly from central valley, or most of the executive officers are from the valley. I am presently the newsletter editor, and we would like to thank you for starting this legislation and the whole conservation ball rolling in Oregon.

There's been much talk here about how there are perhaps other rivers that are deserving, and what I would like to say is that I appreciate you notice that the timber impact and jobs won't be particularly heavily impacted by this Bill. In fact in the long run and probably most important to Oregonians is that the overall economic value will be great and that beautiful sections of Oregon will remain as they are. And in the future these are more and more scarce, and people from the country and probably the world will be coming to see these areas.

I think it's very important that unique streams are included in this Bill. Many of them already are; others that aren't are run by Federal agencies such as the BLM and Forest Service. As forest plans are revised and more rivers that should have been mentioned and recommended are recommended, I hope you will include some of these rivers. Many of them have been mentioned: the Elk, Sandy, Willamette, and others, as well as the Klamath. Two others that should be added would be the Middle Santiam and Breitenbush because some of these include some old growth. If these are cut, it will never be around again. I think that will be a tremendous loss to Oregon.

As we are a boating organization, I should mention we do boat many of these rivers in Oregon. I have given your aides, a copy of Soggy Sneakers.

Senator **Hatfield**. How much does that sell for?

Mr. **Becerra**. $9 retail. That's a gratis copy.

Senator **Hatfield**. Just a little promotion.

Mr. **Becerra**. Right. This is considered by many to be the whitewater bible to Oregon. In there you will find runs on many, many rivers in Oregon, many of which are probably not included in your Bill and hopefully it will be of value to you.

The organization is, of course, concerned with protecting certain streams that we like to run, and another we'd like to mention is the Siletz, which is the river we boat most in the winter. It has, of couse, also steelhead and salmon runs. It's a beautiful stream, mostly privately owned. It has been logged; although that has come back very nicely now. I hope you consider entering that into the Bill. If you haven't seen that, our club would like to offer you our services to view this river. If you would like, I could fly you over in a light aircraft to do so and any other rivers you would care to look at that I could raise funds to do so. Thank you very much.

Senator **Hatfield**. Thank you very much.

## STATEMENT OF BOB DOPPELT, PRESIDENT, OREGON RIVERS COUNCIL, EUGENE, OR

Mr. DOPPELT. Good morning, Senator Hatfield and Congressman Smith and your staff. I want to thank you for introducing your Bill. My name is Bob Doppelt, president of the board of the Oregon Rivers Council. The Oregon Rivers Council is a membership organization of close to a thousand members now and a coalition of 35 different groups that have come today to focus on river protection and enhancement in Oregon. I want to thank you for introducing a Bill that is already having, and will continue to have, landmark legislation not only in Oregon but nationally.

I think the entire Nation, as a number of people have said, is watching this state to determine what could happen in terms of river protection and planning. As in the Bottle Bill and other major natural resource issues, Oregon is going to lead the way one way or another.

As you know, the Senate Bill contains 40 rivers and totals about 1,700 miles, which is less than two percent of the 90,000 miles of rivers, streams, and tributaries in Oregon. So while it's historic, we believe it's a very modest proposal in terms of the amount of river miles. We feel that this is not too much to ask. In fact, we do not think it's an extremist request at all, but a very modest, reasonable proposal. In fact, we would like to see others added to the proposal, and Rick George of our staff has already discussed some of those, and we will add some of those in written testimony later on. However, we still think it's a very reasonable proposal.

Your Bill, Senator, is made up of 27 rivers that were given to you by the Forest Service that they deemed eligible in the forest planning process. We believe that based on our assessments of the forest plans, a number of other rivers are eligible but not deemed for eligibility in the forest planning process. We would respectfully request to get direction from your office to assess other rivers in the forest plan for eligibility. There is a letter on the way from the Oregon Rivers Council to the Forest Service and to your office also.

I would like to speak very briefly about some impacts. There are about three or four common issues that we think come up when we talk about Wild and Scenic Rivers.

One is private landowner issues. Wild and Scenic designation is not a land grab. The primary purpose for Wild and Scenic is to prevent our most outstanding rivers from being dammed and having their stream courses channelized and changed. The second emphasis is to conserve riverside land, and hence a close reading of the Act reveals that there are many limits placed on the Government's ability to purchase or control private land. One is an outright ban on condemnation with 50 percent or more of the designated herein publicly owned. That is true on almost every river in the Bill. The number of acres which can be acquired from willing sellers is limited to 100 acres per average mile.

The Act respects the resistance of local land-use plans. And any person wants to sell his or her property to the Government can do so and remain on the land for up to 25 years.

When this Bill was passed and even today, this Bill has more landowner protection than almost any other Federal conservation legislation which has ever been proposed. And we think that's important when we look at the private-land issue here. Nobody relocates. It does not significantly affect private lands. In fact Wild and Scenic Rivers are often called living landscapes because they are so often tied to the existing local land uses and private land matters.

Water rights you've already heard addressed. Actually no one will lose their water rights. Timber impacts are minimal.

One other comment on hydro and water projects. Yes, it does ban hydro and water projects in the designations. We believe it's not too much to ask to set aside the most outstanding river segments from those types of developments when in fact 98 percent of the miles in Oregon are still available for development.

We appreciate your Bill. Thank you very much.

Senator **Hatfield**. Thank you.

## STATEMENT OF GEORGE FRAMPTON, JR., PRESIDENT, THE WILDERNESS SOCIETY

Mr. **Frampton**. Thank you, Senator, Congressman Smith. I appreciate the opportunity to appear before you today on what is a very exciting legislative issue. I am George Frampton, president of the Wilderness Society, which is a national nonprofit membership organization with a very fast-growing membership of now over 225,000 members nationwide. We have almost 4,000 members in Oregon.

The Wilderness Society very strongly supports protection of free-flowing rivers. We think it's very appropriate that you're here in Oregon City hearing about the detailed knowledge that people in Oregon have about these river segments that are under consideration. The burden of my testimony is really to emphasize the national importance of these resources as well.

President Johnson told Congress in 1965 about the importance of free-flowing rivers. Congress passed the Wild and Scenic Rivers Act in 1968. But in the 20 years since then, only 0.2 percent of the nation's rivers have been designated under the act. That's about 12 percent of what's been identified as an inventory of possible rivers to protect. In the same period of time about 85 times as many rivers have been dammed or flooded.

The reason for this is that Congress has approached the task of river protection on a river-by-river basis. We think a new approach is necessary, and the initiative you've taken here, Senator, to adopt the process of looking at these issues on a state-by-state basis is very exciting and has the prospect of making Oregon a leader nationwide.

If S. 2148 were enacted into law with 40 rivers protected, it would be a magnificent comment. We want to thank you and congratulate both of your for this effort. The challenge as we see it to the Oregon delegation now is to have a really comprehensive bill, and we urge you to consider the addition of some other rivers.

We know the Upper Klamath proposal is somewhat controversial. The concern has been expressed that there are other processes of looking at the possibility of the dam. We think that 401 of the Federal Regulatory Commission—I would urge you to give serious consideration that those processes are not really designed to look at the question of what's the best use of these resources. They're designed to look at if we have a dam, how big and how it should be constructed.

The decision whether these resources should properly be protected as free flowing is really one for Congress to make and is appropriate to be taken up here.

I do have a short statement I would like to submit for the record. As I was leaving home on Sunday—I have two sons, one is eight and one is four. They've never been to Oregon. They said to me, "Where are you going? What's Oregon like? '

I said, "Well, it's a place of forests and coastlines and mountains and beautiful agricultural valleys"——

Senator **Hatfield**. And deserts.

Mr. **Frampton**. And deserts and BLM lands we hope to be protected as wilderness someday. But to me, what defines Oregon is its rivers, and I think that's partly because I remember so well 20 years ago first reading a book that I've since reread, Ken Kiesey's novel, Sometimes A Great Notion. And I think that the power of the river, its relationship to the land, to the people, the history of this state, the struggle of people, the sense of rugged individualism, that to me is what, more than anything else, defines the identity and character of Oregon. And to protect what's left of Oregon's free-flowing river system I think would be a tremendous complement.

So we very much appreciate the initiative that both of you have taken to set this into motion. Thank you.

[The prepared statement of Mr. Framton follows:]

# THE WILDERNESS SOCIETY

## TESTIMONY OF
## GEORGE T. FRAMPTON, JR., PRESIDENT, THE WILDERNESS SOCIETY, ON SENATE BILL 2148, THE "OMNIBUS OREGON WILD AND SCENIC RIVERS ACT OF 1988," AT THE CONGRESSIONAL FIELD HEARING, OREGON CITY, OREGON, MAY 3, 1988.

> *". . . I paid out some line - wishing it would always stay thus soft and dry - and, measuring the distance with a false cast or two, laid down a spent gnat exactly a foot above his last swirl. Forgotten now were the hot miles, the mosquitos, the ignominious chub. He took it with one great gulp, and shortly I could hear him kicking in the bed of wet alder leaves at the bottom of the creel."*
>
> Aldo Leopold, A Sand County Almanac, 1949

Mr. Chairman, it is a pleasure to appear before you today to share our thoughts on this exciting legislative initiative. My name is George T. Frampton, Jr., and I serve as President of The Wilderness Society. The Wilderness Society is a private, non-profit membership organization, dedicated exclusively to the protection and wise stewardship of our Nation's public land resources. Our 220,000 members, including 3700 in Oregon, strongly support the protection of free-flowing rivers.

We are especially pleased to testify here in Oregon City at this first Congressional field hearing on the legislation. We believe it is appropriate for the citizens of Oregon to have an early opportunity to present their thoughts on the legislation, and to share their detailed knowledge of the river segments deserving of protection. However, we would also like to emphasize the national significance of Oregon's river resources. The constituency for Oregon's rivers is vast. Their protection is of consequence to the entire Nation. Their loss would be felt far beyond this great State's borders.

Mr. Chairman, time is running out for our free-flowing rivers. In 1965, President Johnson told Congress that rivers:

> *". . . occupy a central place in myth and legend, folklore and literature. They are our first highways, and some remain among the most important....We will continue to conserve their water and power for tomorrow's needs with well-planned reservoirs and power dams, but the time has come to identify and preserve free-flowing stretches of our great scenic rivers, before growth and development make the beauty of the unspoiled waterways a memory."*

Congress responded to this challenge in October of 1968 with passage of the Wild and Scenic Rivers Act. The Act declared the policy of the United States to be ". . . that certain

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selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of future generations."

Oregon's Rogue River was among those select few rivers designated under the original Act. But in Oregon since 1968, only portions of the Illinois, the Owyhee, and the Snake have been granted the protection afforded by inclusion in the Wild and Scenic River System. This, remarkably, in a State whose very name conjures up the image of ancient forests, rugged coastline, grand valleys and majestic high desert, bound together in a mosaic by the abundant water in rivers which flow through them.

Oregon's situation is not an anomaly. Nationwide, only .2% of our total river mileage has actually been included in the Wild and Scenic River System by the Congress. Eighty-five times that amount has been inundated by reservoirs or lost to diversions. There has been progress of course: the Merced, Kings and Kern Rivers in California, the Skagit in Washington, the Flathead in Montana, the Loxahatchee in Florida, the Allagash in Maine, the Salmon in Idaho, and others. But with few exceptions, the Congress has approached the task of protection river by river, one river at a time.

A new approach is necessary if we are to substantially advance the river protection agenda in this country, to get ahead of the development curve, to remain true to the river protection policies set forth twenty years ago. The comprehensive river protection strategy embodied within S. 2148 is an exciting one indeed. The statewide approach in Oregon, if successful, will set a precedent for river protection. You can be assured the citizens of Washington and Montana are watching your process with great interest.

The burden on the Oregon Congressional delegation of course, is to deal with the State's river protection agenda in a truly comprehensive manner. S. 2148 addresses segments of 40 separate rivers. Other legislation now pending in the Congress would address the critical threat to the Klamath River and its recreational and cultural values, recognize the unique wild, scenic and resource values of the Elk River and its watershed, further protect the recognized anadramous fishery of Steamboat Creek, and enhance protection of the Sandy and the North Fork of the Middle Fork Willamette.

To be credible, we believe the legislation must provide protection for these rivers, and consideration of those rivers not now included in any bill. We are confident such consideration by the delegation will result in a substantial strengthening of the river protection provided in the Act.

Mr. Chairman, Aldo Leopold, a founder of The Wilderness Society, wrote about a land ethic, and suggested that it enlarges the boundaries of the human community to include soils, waters, plants, and animals, or collectively, the land:

> *". . . This sounds simple: do we not already sing our love for and obligation to the land of the free and the home of the brave? Yes, but just what and whom do we love? Certainly not the soil, which we are sending helter-skelter downriver. Certainly not the waters, which we assume have no function except to turn turbines, float barges, and carry off sewage. Certainly not the plants, of which we exterminate whole communities without batting an eye. Certainly not the animals, of which we have extirpated many of the largest and most beautiful*

> *species. A land ethic of course cannot prevent the alteration, management, and use of these 'resources,' but it does affirm their right to continued existence, and, at least in spots, their continued existence in a natural state."*

An appreciation of Leopold's land ethic is reflected in the omnibus river protection strategy under consideration today. Proper stewardship of the land requires vision, hard work, and courage to take on the controversial as well as the consensual. This legislation will surely be no exception. We look forward to assisting in any way.

Thank you.

Senator **Hatfield**. Thank you. We're happy to welcome you to Oregon. We look forward to hearing from you in Washington as well. Unlike maybe what you've gathered as an image, I am one of those politicians who welcome people to Oregon, and you and your family would be very welcome here. I want to thank you for your participation.

I want to also take this opportunity to thank all of the groups that have been a part of the evolution of this Bill, particularly, Bob Doppelt, your organization has been very upfront early on, very supportive of this whole effort.

I think Mr. Montieth has raised a very interesting point here that certainly should have some response. Again looking at the possibility of launching a whole new effort in Wild and Scenic Rivers, we felt that the basic data on which we could expedite the whole process of enactment was provided by the Forest Service planning program. They did not complete their draft plans within the context of the Wild and Scenic Rivers Act and all that. But within that process, they thought these might be nominees for that consideration.

So having had that preliminary, if you want to call it preliminary, study base, we thought we could launch this whole effort more rapidly than if we had to create a study commission to look at all the rivers in Oregon to develop a comprehensive Wild River Bill.

Now, this does not mean that there should not be a review now more in context of the reality of this Bill, and we have already asked those agencies to take another look, as you have suggested. But again we were looking at how we could most rapidly try to impact the Nation, as well as our own state, action of this kind.

Now, there may be other groups. The state programs may have a data base already in place. But I didn't want to get caught where we have to face that in the legislative process: When's your date base? What's your study base? What's your base of knowledge? You'd have people who would want to make the Columbia River in Portland a Wild and Scenic River. Something of that kind.

So I already had a study in progress that we could go into more quickly than if we had to go back and make a two-year study program. Having had that experience made us a little more cautious about how we launch this with the least vulnerability. Even though theirs was a preliminary review, it certainly gave us some credibility of having looked at these from a perspective of a Wild and Scenic River condition in our effort to try to expedite this process.

Thank you very much, gentlemen.

[Recess.]

Senator **Hatfield**. If we can come to order, I would invite Panel No. 6: Mark Becker, Jack Cavender, Mick McLucas, John Garren, Michael Graney.

I want to commend all the panelists. You've been very thoughtful in maintaining the time restraint. I wish we could do one of these with no time restraints, but we want to hear from everybody.

Let me remind you, that on May 30th we will be in Bend, and June 1st we will be in Grants Pass for all of those who haven't been able to testify. Those two additional hearings will be held on those dates. We urge those of you who have testified in one hearing to defer to those who have not been able to testify in subsequent hearings.

Gentlemen, thank you for being here.

## STATEMENT OF JACK CAVENDER, MEMBER, JOHN DAY BASIN COUNCIL, MONUMENT, OR

Mr. CAVENDER. My name is Jack Cavender. I live on the North Fork of the John Day River. I am a rancher. The Basin Council is an organization committee appointed by the county courts by each of the seven counties whose lands make up about 95 percent of the John Day Basin. The Council itself is involved to be on the cutting edge of environmental issues—on all issues involving water and the John Day River.

In 1985, I believe it was, there was legislation to establish new basin plans in all the river basins in Oregon. John Day was the first one. Our plan was accepted about a year ago, and we have been involved in a number of things with this plan.

In the old plan, the plan established what the limits were for water use in the basin, but there was never any enforcement on it. No one ever even looked at it.

This new plan is very fish oriented, very environmental oriented, very river oriented. We want to keep it that way. We want to keep the plan going. We want to see it promoted. We want to do everything we can to enforce it.

However, and this is where the rub comes, the people of the John Day Basin are about 95 percent against any inclusion in the Wild and Scenic Rivers Act. They have a number of concerns.

They're concerned about the effect on public property. We have all kinds of assurances that it's not going to really affect us in any great manner. But we have the scenic easements; we have the Bureau of Land Management who will manage it who has already budgeted or considered budgeting a couple million dollars to buy scenic easements. These scare us.

We also are concerned about the environmental aspects where the environmentalists are surely to be coming in and using the river more than ever before. In the 1977 Scenic River proposal they stated to expect three to five times use of the river if it were in the Scenic River Act. We don't see where this land can handle that kind of use on the rivers. We don't see the planning is there. We'd rather see a slow growth and see it in a manner on state control rather than Federal control.

More than half the land in our Basin is in Federal control now. We have the Wilderness areas; we have the Bureau of Land Management; we have the Forest Service.

A lot of us think that federalization is not what we need. We haven't seen any hearings; we haven't seen any publicity or anything on our Basin concerning Wild and Scenic River. We would like to see a hearing there and some talk on it. Except for the last couple of weeks, there has been hardly anything on it. Maybe that's what we need. Maybe we need the Wild and Scenic River on the Basin, but at this present time we don't know that. We need some convincing, and we need some input.

The people—When I come down to these meetings, I am overwhelmed that most of the testimony is here by professionals. And we're not professionals; we're farmers. We're people concerned with the environment. We'd like to see the river kept as it is. We think it isn't being overused at the present time. We have everything in the state laws now that needs to protect that river.

[The prepared statement of Mr. Cavender follows:]

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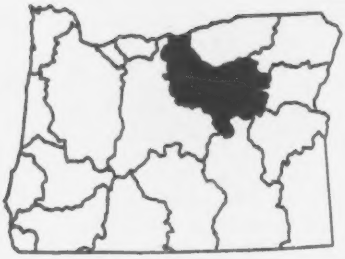

JOHN DAY BASIN COUNCIL
COURTHOUSE
CANYON CITY, OR 97820
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HON. MARK O. HATFIELD
WILD and SCENIC RIVER HEARING
OREGON CITY, OREGON
MAY 3, 1988

The JOHN DAY BASIN COUNCIL is a committee organized under letters of cooperation between the seven counties with lands in the John Day River Basin. Council membership is made up of appointees of the County Courts with several members at-large. These counties are:

GRANT COUNTY
GILLIAM COUNTY
JEFFERSON COUNTY
MORROW COUNTY
SHERMAN COUNTY
WASCO COUNTY
WHEELER COUNTY

The purpose of the Basin Council is to promote the implementation of the JOHN DAY BASIN PLAN as adopted by the State of Oregon, Water Resources Commission. The Council is advisory to the County Courts. It activities also include:

1. To oversee and promote improvement of the John Day Basin watershed.

2. To act as a sounding board between basin citizens and resource agencies.

3. To develop and maintain an inventory of desired watershed improvement projects.

4. To act as a regional representative to the State Legislature on matters that concern the watershed.

The John Day Basin Council does not favor the inclusion of the John Day River in National Wild and Scenic River Waterways System. The John Day is unique. It has a wild run of salmon and steelhead that has not been genenetically diluted by hatchery introductions. It has no man made structures to block migratory fish. and it has a comprehensive, up-to-date Basin Plan completed in 1986 to regulate water withdrawls and maintain a multiple use concept compatable to all users or potential users.

The proposal to include portions of the John Day in the Federal system in 1977 was met, on the local level, with almost total lack of support. Convservationists and recreation users supported inclusion on the basis that it would maintain the river in a free flowing condition and protect the water quality while providing recreational experiences. In 1988 there is a redundancy of laws, regulations, and restrictions that are already in place, have generally good local acceptence, and are capable of protecting the enviroment.

Presently the waters of the basin are managed by or under:

The John Day Basin Plan - Water Resources Department
Minimum Streamflows
County and State Land Use Planning
Public Water Rights
BLM Recreation Plan
ODFW Fishery Plan
Oregon Forest Practices Act
Northwest Public Planning Council
County Soil and Water Conservation Districts

At the present time there is a good working relationship between agencies and common goals to maintain or improve the basin's water resource. Funding has been provided for approved water conservation and riperian improvements by, Federal ASCS, Oregon GWEB, Oregon Department of Agriculture Soil Conservation Department, Bonneville Power, Private grants, and last but not least property owners. Of projects approved by GWEB over half the funds awarded were for watershed enhancment in the John Day basin.

Of primary concern, to council members, is the effect that Federal control would impact the basin waters, its fishery, its private lands, and its economics. Local public is not well served by the schedule of public hearings. None are scheduled in this basin nor in any county with land in the John Day drainage.

We feel that the Federal Wild and Scenic River System status is another layer of legislation that is now being provided by existing State regulations, that it is unpopular to residents of the basin, and it is not required or desirable for the John Day River.

Sincerely,

Jack Cavender, Member
J D Basin Council

Senator HATFIELD. Thank you very much. I will only say that we may be able to schedule later in the summer a hearing up in northeastern or far eastern Oregon where it will be a little easier for folks over there to testify. We will be in Bend which is a little closer than Oregon City to your area.

Mr. CAVENDER. 150 miles.

Senator HATFIELD. But we are 99,000 square miles of state. And it is very difficult to hold hearings in every single part. But we will do our best and we thank you for being here.

Who's next?

## STATEMENT OF JOHN GARREN, REGIONAL REPRESENTATIVE, NATIONAL ORGANIZATION FOR RIVER SPORTS, PORTLAND, OR

Mr. GARREN. Senator Hatfield, Congressman Smith, my name is John Garren, and I am regional representative for the National Organization For River Sports.

I wish to begin testimony by stating that the National Organization For River Sports is supportive of legislation that will protect our Nation's rivers. We believe Senator Hatfield and cosigners of the Bill are to be commended for a Bill that has far-reaching effects comparable to Oregon's coastal beach legislation. Oregonians have expressed concerns for the environment in general and rivers in particular when they passed the State Scenic Waterways Act by initiative of the people in 1970. Another supportive initiative petition is presently underway.

Oregonians already have some protection of its rivers in the State and Federal designation of the Rogue, Hell's Canyon of the Snake, the Owyhee, and Illinois. We have had the opportunity to observe the operation of Federally managed rivers for some 20 years.

There are some concerns by Oregonians about this Federal management which should be addressed to assure that these rivers are not only protected, but protected for the people who own these rivers—the public.

The first concern is the equitable use of these rivers. The public needs some assurances that if limitations on access are imposed on any rivers to protect this resource, that the allocation of the access is equitable. That equity or fairness does not exist on about nine Federally managed rivers with access limitations in the West, such as the Rogue and Snake rivers in Oregon.

The second concern is free public access to these rivers. This does not necessarily mean unlimited access, but the access that is allowed should be free to the owners of these rivers. Oregon was admitted to the Union under the condition that rivers would be free and open without toll to river users. There is a distinct difference between paying for a service and paying for either commercial or recreational use of a river. Rivers should be public rights-of-way available without toll for public use. The existing toll, to my knowledge the only toll river in America, is conceivably against Oregon's Constitution.

Both of these could be addressed in legislation for the Omnibus Rivers Bill. Allocation of limited access could be corrected by language similar to the US Forest Service's proposed "Freedom of

Choice'. The language in Oregon's Constitution would guarantee public use of rivers without toll. I am convinced that Oregonians would overwhelmingly support the Omnibus if these two issues are addressed. Thank you.

Senator HATFIELD. Thank you.

## STATEMENT OF MICHAEL GRANEY, BLUE RIVER, OR

Mr. GRANEY. I am Michael Graney of Blue River, Oregon, and I am speaking on behalf of inclusion of the South Fork of the McKenzie River to your Omnibus Rivers Bill. Every bit as outstanding as the main part of the McKenzie, the South Fork corridor became one of the last old-growth forests accessible to the motoring public of Oregon.

The river corridor is accessed by off-terrain drive, a designated loop drive which also follows the scenic North Fork of the Willamette River. The forest in riparian communities along the South Fork provides the habitat for a wide range of wild animals and includes a significant portion of the Willamette National Forest winter range for elk.

The South Fork is heavily used by a variety of people attracted to the rugged beauty of the area, excellent fishing, campgrounds, and more than a dozen low-elevation Wilderness areas. The South Fork is entirely held by public ownership.

The South Fork is the first major stream in the Willamette National Forest to be proposed for scenic and resource protection based upon consensus reached between Willamette National Forest planning committee and a coalition of concerned environmental groups. Among the provisions of the agreement reached is one to remove a major segment of river corridor from a programmed timber harvest.

I urge you to support management regulations which will remove all Wild and Scenic River corridors from programmed timber harvest, for if they're managed for timber by such Federal agencies, such corridors will not long keep their scenic qualities, and the outstanding qualities for which they were designated will be lost.

Our local economy depends upon maintaining that scenic quality that the tourists come to the McKenzie River for. I urge you to include two important segments: a 20-mile segment above Cougar Dam for scenic designation and a four-mile segment below Cougar Dam for designation. The segment below Cougar Dam is threatened by the Strube Dam project. Mr. Chairman, we're grateful for your efforts on the Strube Dam.

It is notable how few rivers are being recommended for inclusion into the system by Federal land management agencies. The Forest Service is not evaluating all streams in the National Rivers Inventory; it is not fairly assessing the values of the rivers it does evaluate; and it is not recommending any of the rivers that clearly meet the standards for inclusion.

Federal agencies are proceeding with inappropriate management activity along the rivers it fails to recommend, including incorrectly demanding that designation does not include or that Forest Service Management can protect the resource values that we have.

Federal agencies are largely ignoring their responsibility to our invaluable flee-flowing rivers.

Mr. Chairman, Mr. Congressman, many more river segments need to be in your Omnibus Bill. I urge you to at least include in your Bill all streams currently designated as State Scenic Waterways.

Senator **Hatfield**. Would you give us a little more specific description of those two segments that you were suggesting to be incorporated for us? Thank you.

## STATEMENT OF MIKE McLUCAS, OWNER, OASIS CAFE, MAUPIN, OR

Mr. **McLucas**. Senator Hatfield, Congressman Smith, members of the staff, my name is Mike McLucas. My wife and I live on the lower 100 miles of the Deschutes at Maupin. I welcome you and Congressman Smith back to Oregon. We like to see you here. I'm called to mind the last time I met my senior senator face-to-face was at a ruins dedication where we walked out to the promontory. At that time I represented the group creating that Wilderness area.

I thank you for your attention to Wild and Scenic rivers in Oregon. I think that attention can do nothing but good, no matter what shape, really, the final Bill will take.

I think I can attribute a remark you made that would explain the citizens' interest in Wilderness and Wild and Scenic Rivers. Your comment, if I recall it correctly, was to the effect that one of the reasons there is this passion for Wilderness and for protection is that the general public has very great difficulty in trusting the resource managers we've worked with or tried to work with over the years, and our answer is it better be locked up or it's going to be gone. And I think we definitely feel that way with respect to threats to water, which is going to be more critical to us in the next century.

My interest bottom line has been and continues to be fish. It's not that I ignore other uses for water, but you're going to have water that's capable of sustaining fish life and aquatic regiments, then it's also going to be there in sufficient quantities for other purposes.

We have an extreme interest in the Lower Deschutes, and I encourage you, perhaps along with my friends of the John Day drainage, that as this Bill takes place we really need to really talk to you, and we need to make sure that the measures which are prorosed are appropriate to citizens' efforts, which are the Lower Deschutes, for example, and the John Day, which have been in place and have been working on those very drainages are recognized for their contribution.

The Lower Deschutes was the granddaddy of all Scenic Waterways in Oregon to pass by a vote of two to one by the citizens and kicked off and started the whole Scenic Waterways effort and attention in the state of Oregon. It's been management by the State since then. I think they've done a remarkably good job. We would like help from the Federal Government, but not an overwhelming blanket of shadow, shall we say.

We look forward to working with you as this Bill takes shape. We thank you very much for your interest, and please come back more often. Wilderness is always welcome.

[The prepared statement of Mr. McLucas follows:]

P. O. Box 365
Maupin, Or. 97037
April 29, 1988

Mr. Mike Salsgiver
c/o Senator Hatfield
Att: Rivers bill official testimony
555 SW Yamhill St.
Portland, Or. 97204

Dear Senator Hatfield:

My wife and I own and operate a small roadside business on The Deschutes at Maupin. This small business has been operated by our family since 1955.

We supported and worked for the designation of The Deschutes as an Oregon Scenic Waterway in 1970 and we have been intimately involved with virtually all aspects of its management for over 33 years.

I have served two different terms as a Recreation/Conservation member of the Citizen's Advisory Committee to the Prineville District BLM. I recently completed two terms as a member of the Oregon State Scenic Waterways Advisory Committee. Additionally, I sat as one member of the Governor's (Victor Atiyeh) task Force, established to review recreation use and rules of conduct for the river. Actions of that task force resulted in a user fee system administered by the State of Oregon to educate river users in wise use and stewardship of the river and to support any necessary enforcement measures.

Currently, I am one of many citizens of Oregon working with Governor Goldschmidt's committee over the next year and a half to formulate long range planning to insure use and protection well into the next century.

Perhaps the message in all this is that the Deschutes is an extremely unique OREGON river, and virtually all Oregonians have a sort of "love affair" with her. The Deschutes, and the Citizen Initiative which resulted in a two-to-one margin in favor of Oregon Scenic River Designation in 1970 actually launched the Scenic Rivers Program for the entire state.

Further, as recently as 1985, over 10,000 individual contributors made up the necessary balance to put together the purchase of the lower 12 miles of The Deschuted through the Oregon Wildlife Heritage Foundation.

I feel it might be wise to consider that Oregon citizens generally, after they have shown this amount of interest and committment to their river, are perhaps not going to take too kindly to a proposal that would summarily hand primary management authority over to the Department of the Interior.

I would have to state quite candidly, that unless references to the lower 100 miles of The Deschutes in this bill can either be removed altogether, or modified so as to effect only a sec. 7a. designation as regards any further hydroelectric development; not only can I not support Senate Bill 2148, I will in fact have to work actively for its defeat.

I genuinely hope that the supporters of S.2148 can find a way to accomodate this minor change. All we are really asking is consideration for Oregonians who have a rightful pride in the way they have managed The Deschutes for nearly 20 years with federal cooperation and Oregon control. The result has been a river that is environmentally solid, a major Northwest recreation asset, and a major fish producer for both sports fisherman and Treaty Tribes.

The lower Deschutes is not threatened by any of the adverse effects of timber harvest, water diversions or removals, mining or mineral claims, hydroelectric developments or any other similiar threat. Unfortunately, this same claim cannot be made for many other Oregon rivers and streams. They do in fact need the protection afforded by this bill. One example that cries out is the Upper Klamath which is not even considered in your bill.

We pray that you will concentrate on those other rivers and streams in Oregon which do not presently have any similiar protection and which sorely need it. And please leave Oregon in control of our lovely Deschutes.

Thank you for your attention to our concerns.

Sincerely,

M.V. McLucas

Michael V. McLucas

**Senator HATFIELD.** I've been given a note that you had the best milkshakes in the area.

**Mr. McLUCAS.** Gee, I love him.

**Senator HATFIELD.** You know, you're speaking of the McKenzie, I am going to exercise a prerogative. Years ago when I went to Stanford for my graduate work, I became acquainted with the former president, Mr. Hoover, who has always been one of my heroes.

One day we were driving up to the Russian River from San Francisco; he invited me to be his guest. He proceeded to tell me about his exciting experiences on the McKenzie River. He had a cabin up there where he used to stay every year, and he used to make an annual trek up into his 80's, in fact, until his eyesight got so poor that he couldn't tie his flies. And he wasn't going to fish without flies he had tied, which he had learned to tie when he was a boy in Salem, Oregon.

It was a fascinating experience that that river had been so much a part of his life over the years. So I got lobbied very early on in my life by no less a person than a former president for the McKenzie because of his experience with fly fishing.

So much for history. Thank you very much.

Panel No. 7, John Platt, Mike Sallee, Pansy Nofziger, Althea Pratt-Broome, and Jim Rogers.

You may proceed.

## STATEMENT OF PANSY NOFZIGER, DESCHUTES RECREATION COALITION, PORTLAND, OR

**Ms. NOFZIGER.** I am Pansy Nofziger. I am not, as on your program, representing Northwest Rafters this morning; we've already had another representative from that group. I am basically speaking for the Deschutes Recreation Coalition, and I am also a member of Northwest Rafter's, Oregon Rivers Council, American Rivers, and am on the Deschutes River Scenic Waterway Recreation Area Management Committee, and the Government Scenic Waterways Advisory Committee.

I would like to add my appreciation to all of you for the tremendous amount of work and the bravery you're going through, because I think it's a commendable act. I think it's not only an important landmark legislation in Oregon but also nationally. Sometimes we don't recognize that one area of the country is just as valuable for us as another.

In the process of fine tuning this legislation, I would like to make a few suggestions. I would like to urge you to consider carefully and deliberately the classifications that you have put on each segment of the river.

**Senator HATFIELD.** Which one?

**Ms. NOFZIGER.** The classification of Wild, Scenic or Recreational. These classifications have a definite impact on the way they'll be managed in the future, so it's crucial that be done accurately.

For instance, the Metolius River, which is in the Bill, is classified as Recreational. It's a very tender riparian zone on that river, and there are some areas that are not accessible. I would like that to be upgraded to Scenic or even Natural.

The other area I am concerned about is the Deschutes River, the Lower Deschutes particularly on the Bill. You have three segments of that. You have classified from Pelton Dam to Bakeoven Creek as Scenic, from Bakeoven to Macks Canyon as Recreational, and from Macks Canyon to the mouth as Scenic. I would recommend that to be all Recreational. There is a considerable length of railroad along that from Trout Creek Dam and a lot of access, and I would like to see that river management for Recreational for Oregonians and others. They're all welcome.

Another concern I have in regard to that particular river is that we have just started the Deschutes Recreation Management Plan from the community, the Scenic Waterways Recreation Area Management Committee that was appointed by the Governor, and we are working in conjunction with Federal agencies and State agencies. It's important that the work we're doing in developing that plan be considered in the final designation that this is a Wild and Scenic river because we are making an effort to be careful of designation at this time so everybody can buy onto the plan.

Senator **HATFIELD**. Thank you.

Ms. **NOFZIGER**. The last I want to say is if you need to pass this Bill rapidly that perhaps it would be good to have a clause in it to have a year study analysis of the designation of the segments so we can solidify what was sort of hazely pulled together in some respects. We have to be very careful at this point. Thank you again and we appreciate your work.

[The prepared statement of Ms. Nofziger follows:]

Pansy Nofziger
#28 Oregon Yacht Club
Portland, Oregon 97202

May 3, 1988

Pansy Nofziger
#28 Oregon Yacht Club
Portland, Oregon 97202
503-233-2947

Member Deschutes Recreation Coalition
Member North West Rafter's Association
Member Oregon Rivers Council
Member American Rivers
Member Deschutes River Scenic Waterway Recreation Area
Management Committee
Member Governor's Scenic Waterways Advisory Committee

I would like to add my appreciation for the time and effort you are putting forth for Oregon's rivers. This landmark legislation will benefit all Oregonians and preserve our river heritage not only for ourselves but for those across the United States.

In this process of fine tuning this legislation I would like to make a few suggestions.

I urge you to re-examine carefully and deliberately,the classifications you have assigned to each river segment. This is essential because when this bill is passed into law, the river segments will be managed according to the classification that passes with them into the law, ie. WILD, SCENIC OR RECREATIONAL. If the right value (classification) is not placed on a river, it may be managed improperly. It is possible that irreversible actions on a particular river could take place before the right classification was placed via a study process.

For example: The Metolius river is classified as "Recreational" according to your bill. Under this value, low dams, diversions or other modifications of the waterway are acceptable. (Federal Register, Vol. 47, No 173, September 7, 1982, p.39458.) If you have ever seen the Metolius, you would realize the mistake of this classification. It should be classified at least at the "Scenic" level. The riparian zone is very sensitive and there are areas which have little access..

Another example: The lower Deschutes River, with which I am quite familiar, has been classified in your bill, in three segments. Pelton Dam to Bakeoven Creek as "Scenic," Bakeovern Creek to Macks Canyon as "Recreational," and Macks Canyon to the mouth as "Scenic". According to the criteria for determining classification of Federal Wild and Scenic Rivers, all three lower river segments should be classified as "Recreational". There is some shoreline development and substantial evidence of human activity all along the river, sometimes on one bank more than the other. There are areas of extensive residential development and a few commercial structures. The lands have been developed in many areas for agricultural use. The river is readily accessible by roads and railroads, in fact has daily railroad use on one side of the river and heavy road use on the other for a considerable stretch. There are both road and railroad bridges. There are developed parks, a city and private recreational improvements. (Classification criteria written in Federal Register, Vol. 47, No. 173, September 7, 1982, pp. 39457 and 39458) I urge you to classify all segments of the lower Deschutes, from Pelton Dam to the mouth, as RECREATIONAL.

Currently the Deschutes River Scenic Waterway Recreation Area Management Committee, created by Oregon House Bill 3019 in 1987, is working on developing a management plan for the lower 100 miles of the Deschutes. Nine people representing various interest and user groups were appointed by Governor Goldschmidt to work with the current eleven managing agencies (state, federal, city and county) responsible for that area. This group of twenty individuals is working hard to create a comprehensive long term management plan for the river. They have done and are in the process of doing ground work to accomplish that task. This management plan has long been needed to solve many problems on the Deschutes.

I hope that the federal designation of the lower Deschutes, which might come as early as this year, would not negatively affect the implementation of the management plan, being developed at considerable expense to the recreation user and the managing agencies. ($78,000 budgeted from Boater Pass Funds). I might add that the Bureau of Land Management has requested this committee to proceed with the development of the management plan in such a way as to insure BLM being able to adopt it as their own management plan without going through another expensive, time consuming process. The Deschutes River Managment Committee has been happy to do this.

And finally, I do urge you again to carefully examine the various classifications of the river segments, by inviting comments from persons familiar with those segments of the rivers to give you advice. I know that Oreon Rivers Council, of which I am a member of the board, provided you with a data base of information that helped you to classify the segments of rivers you have in the bill. This data base was well put together but there are areas in it which need more information. One of these areas is the actual physical developments alongside each of the river segments which would affect classification. More information needs to be gathered for correct classification. If it is more expedient to pass the bill as is, without doing further evaluation, I would suggest adding a clause mandating a year of study and evaluation of each of the river segments to accurately determine the classification (values) for which they will be managed. It is important to realize that this bill is not only a means of protecting our valuable river heritage but it is also, in a very real sense, a plan for how we will be able to recreate on and use these rivers in the future. It is not something to do hastily or without attention to detail.

Thank you for your time and attention. I would be happy to answer any questions you might have.

Pansy Nofziger

Senator **Hatfield**. Thank you.

## STATEMENT OF JIM ROGERS, REPRESENTATIVE, FRIENDS OF ELK RIVER, PORT ORFORD, OR

Mr. **Rogers**. My name's Jim Rogers. I am a consulting forester at Port Orford and I am representing Friends of Elk River.

First I would like to thank you and congratulate you, Senator, for introducing this piece of legislation which will be another Oregon example of environmental protection for the rest of the Nation to follow.

I wish to speak about Elk River near Port Orford in your final Bill. Your farsighted action to protect the Elk by designating much of the north side of the river as the Grassy Knob Wilderness Area has saved some of the Elk's most productive fisheries. You may be aware that after the Wilderness designation, the Forest Service commissioned a full study of the fisheries, geology, and hydrology of the Elk River watershed. This study, carried out by the Pacific Northwest Forest and Range Experiment Station, resulted in some very important and surprising findings.

They found that the Elk is producing tremendous numbers of salmon and steelhead—more, in fact, than any other river of its size outside of Alaska! However, this fishery is not distributed uniformly throughout the system. It is concentrated in certain key locations where conditions have evolved to produce ideal spawning and rearing habitat. It's no coincidence that this habitat is located in the substantially unlogged tributaries or in the main stem just downriver from the tributaries. The most heavily logged tributaries, in general, support only minor fisheries. The size of these watersheds is often disproportionately small compared to the size of the fishery they support. Thus, although the North Fork is only 5.3 percent, it produces 12 percent of the fish. Blackberry Creek, comprising 3.8 percent of the watershed, produces 10 percent of the fish.

But I am not a fisheries biologist, Senator, and it's not my place to tell you about the Elk's fisheries. For that information, I most strongly urge you to invite the leader of PNW Elk River fisheries study, Dr. Gordon Reeves, to testify at your next field hearing in Grants Pass.

What I can tell you about with some authority is the history of the Elk over the past 20 years, and I can offer some predictions of the future. I first came to the Elk in 1968 to work as a forester for Western States Plywood Cooperative in Port Orford. At that time, the watershed was still nearly intact. However, logging was proceeding full steam ahead. We were operating sales in the South Fork of the Elk, Blackberry Creek, Panther Creek, Purple Mountain Creek, and China Creek. From 1968 until 1974, an average of 750 acres per year was clearcut. Most of the sales we logged are shown on the map I've provided with the copy of my testimony.

During those years mud flowed down the spur roads, through the culverts, and into the creeks. Many failures in the clearcuts and along the roads washed into the streams. Windstorms blew down many acres of timber near the clearcuts. In the North Fork of the Elk, where logging was taking place on two different sales directly across the river from each other, I watched huge old-growth fir, left along the river in a buffer zone, come crashing down into the river. With every blast of wind, several more shattered ancient trees came down. I cruised the resulting North Folk Elk Salvage sale rarely touching the ground.

There is absolutely no doubt in my mind, Senator, that the fisheries suffered during those years. Fortunately, when the mill closed down in 1974, the Forest Service greatly reduced harvest in the Elk to an average of less than 100 acres per year. Now, however, the Forest Service intends to begin an average of 470 acres per year of clearcutting in the Elk River watershed. Over 1,000 acres of timber are scheduled to be sold this coming fiscal year. One of the sales will construct five miles of roads in the unroaded watershed of the North and South Forks of the Elk. I sincerely believe that this may well spell the beginning of the end for the Elk's fisheries for sooner or later another flood reminiscent of the 1964 flood will hit the area, and the Elk will come unraveled. The critical spawning areas will be wiped out. It is imperative that the Elk receive the protection that Wild and Scenic River status will afford.

We are extremely gratified and encouraged, Senator, that you announced on the floor of the Senate that you are considering adding Elk River to your Wild and Scenic Rivers Bill. The Elk and the fisheries it supports is one of Oregon's truly unique treasures.

Thank you.

Senator HATFIELD. Thank you. I am glad you brought into the testimony that there are multiple classifications within the act. So to be included into the act, I think we have to realize that each one has to be addressed separately. I appreciate your testimony.

Now, panel No. 8. Charles, Ciecko, Keith Burkhart, Steve Alp, Larry Marxer, Mike Ogle.

Good morning gentlemen. You may proceed.

## STATEMENT OF CHARLES CIECKO, OREGON TROUT, GRESHAM, OR

Mr. CIECKO. Senator Hatfield, Congressman Smith, I am appearing today on behalf of Oregon Trout, which is a statewide nonprofit organization consisting of 1175 members. My name is Charles Ciecko, and I reside at 3630 SE Hosner Terrace in Gresham.

Senators Hatfield and Packwood have taken a bold step by introducing S. 2148. We commend and thank the Senators for their initiative and leadership in these areas.

For many years our bountiful Northwest rivers have been developed for a variety of uses including hydroelectric generation, irrigation, mining, commerce, and industry. These uses have contributed to the high standard of living enjoyed by Oregonians.

However, this development has not been without cost. Our tremendous salmon, steelhead, and resident fish resources are only a shadow of their former abundance. The most significant factor in this decline has been, without doubt, the construction of dams. In Oregon over 4,000 river miles have been lost to dams and their impoundments. The productivity of many additional river miles have been severely impacted.

By contrast, only 317 Oregon river miles have been included in the Federal Wild and Scenic Rivers Program. This represents less than one percent of the 35,000 miles of major rivers and streams within the state.

While we are mindful of the need to develop certain river segments for the economic benefit of Oregonians, we are also strongly committed to the concept of protecting other river segments in a manner which preserves their free-flowing character. In this case, protection also affords economic benefit.

Tourism has grown into the third largest industry. State tourism officials estimated that U.S. and foreign travelers spent $2.6 billion in Oregon during 1985. The Oregon Department of Fish and Wildlife has estimated that the 647,000 licensed fresh and saltwater anglers spent $305 million annually which in turn generates $302 million in wages.

Not surprisingly, our lakes, mountains, beaches, and free-flowing rivers are prime attractions for both resident and out-of-state travelers. Clearly, the preservation of these attractions is the most important contribution that Government can make to the continued growth and well being of our young tourism industry.

The Northwest Power Planning Act of 1980 was to give fish and wildlife resources equal status with hydroelectric generation. As a result, Northwest ratepayers are underwriting massive restoration efforts which include migration flows, bypass facilities, and efforts to rebuild wild runs of salmon and steelhead through a variety of mitigation and enhancement programs.

The Power Planning Council will soon consider a "Protected Rivers Program" which is an important objective of the restoration effort. Unfortunately, even if the program is implemented, it is not yet clear to what extent FERC will follow Council policy.

We see the Federal Wild and Scenic Rivers Program as highly complimentary to the pending Council program. Federal protection, as proposed by Senators Hatfield and Packwood, could eliminate the threat of dams on crucial river segments and reaffirm Congressional commitment to a basic premise of the Power Planning Act. At the same time, ratepayers would receive at least partial assurance that their investments in restoration efforts would not be lost due to dam construction in areas that are critical to our fishery resources.

It is our understanding that the Omnibus Rivers Bill is intended to be a "discussion document." I hope you will review our written comments on several river segments which may have been overlooked or which are included and are viewed by Oregon Trout as critical for continued protection and enhancement of Oregon's fish resources.

[The prepared statement of Mr. Ciecko follows:]

# MEMORANDUM

TO: Senator Mark Hatfield
c/o Mike Saisgiver
555 SW Yamhill Street
Portland, OR 97204

FROM: Charles Ciecko on behalf of Oregon Trout
3630 SE Hosner Terrace Charles Ciecko
Gresham, OR 97080

DATE: May 3, 1988

RE: Rivers Bill Testimony (in favor)

I write on behalf of Oregon Trout which is a statewide, non-profit organization consisting of 1,175 members. Oregon Trout's primary objective is to preserve, protect, and restore wild fish and their habitat throughout our state.

Senators Hatfield and Packwood have taken a bold step by introducing S 2148. We are proud to join the growing list of concerned organizations and residents who have endorsed this process which may well result in landmark legislation. We commend and thank the Senators for their initiative and leadership.

For many years, our bountiful Northwest rivers have been developed for a variety of uses including hydroelectric generation, irrigation, mining, commerce, and industry. These uses have contributed to the high standard of living enjoyed by Oregonians. We are fortunate that our diverse economy is powered, to a large extent, by one of the cheapest, cleanest, most dependable, and renewable resources available - our water.

However, this development has not been without cost. Our tremendous salmon, steelhead, and resident fish resources are only a shadow of their former abundance. The most significant factor in this decline has been, without doubt, the construction of dams. In Oregon, over 4,000 river miles (11.5%), have been lost to dams and their impoundments. The productivity of many additional river miles have been severely impacted by channelization; rip-rap; over-appropriation and undesirable grazing and forestry practices.

By contrast, as the Senator has already noted, only 317 Oregon river miles have been included in the Federal Wild and Scenic Rivers Program. This represents less than one percent of the 35,000 miles of major rivers and streams within the state.

While we are mindful of the need to develop certain river segments for the economic benefit of Oregonians, we are also strongly committed to the concept of protecting other river segments in a manner which preserves their free-flowing character as well as fish, wildlife, aesthetic, and recreational resources. In this case, protection also affords economic benefit.

Tourism has grown into the third largest industry in the state. State tourism officials estimated that U.S. and foreign travelers spent $2.6 billion in Oregon during 1985. The Oregon Department of Fish and Wildlife has estimated that the 647,000 licensed fresh and saltwater anglers spend $305 million annually which, in turn, generates $302 million in wages.

Not surprisingly, our lakes, mountains, beaches, and free-flowing rivers are the prime attractions for both resident and out-of-state travelers. Clearly, the preservation of these "attractions" is the most important contribution that government can make to the continued growth and well being of our young tourism industry.

The Northwest Power Planning Act of 1980 was intended to give fish and wildlife resources equal status with hydroelectric generation. As a result, Northwest ratepayers are underwriting massive restoration efforts which include migration flows, fish by-pass facilities, and efforts to rebuild wild runs of salmon and steelhead through a variety of mitigation and enhancement programs.

The Northwest Power Planning Council will soon consider a "Protected Rivers Program" which is an important objective of the restoration effort. Unfortunately, even if the program is implemented, it is not yet clear to what extent the FERC will follow Power Planning Council policy.

We see the Federal Wild and Scenic Rivers Program as highly complimentary to the pending Northwest Power Planning Council program. Federal protection, as proposed by Senators Hatfield and Packwood, could eliminate the threat of dams on crucial river segments and reaffirm Congressional committment to a basic premise of the Northwest Power Planning Act. At the same time, ratepayers would receive at least partial assurance that their investments in restoration efforts would not be lost due to dam construction in areas that are critical to our fishery resources.

It is our understanding that the Omnibus Rivers Bill is intended to be a "discussion document". As such, we would like to note several river segments which may have been overlooked or which are included and are viewed by Oregon Trout as critical to the continued protection and enhancement of Oregon's fish resources.

a. Klamath River - Within Oregon, only 15 free-flowing river miles remain. As you are aware, this segment is currently threatened by a proposed diversion for hydroelectric generation. This stretch of the Klamath was the first area in the state to be managed exclusively for wild trout. Additionally, this segment of the Klamath provides unique historical, archeological, recreational and wildlife resources. White-water boating opportunities on the Klamath are exceptionally challenging and are not available elsewhere in the state.

b. Steamboat Creek - This tributary of the Umpqua River has been designated as a "fish sanctuary" by the Oregon Department of Fish and Wildlife. Steamboat Creek is an important spawning and nursery area for wild summer and winter steelhead and is crucial to the ongoing maintenance of the Umpqua River anadromous fishery.

c. Sandy River - Located within 30 miles of the state's largest metropolitan area, the Sandy River is utilized for recreational purposes by more than one million people annually. The Oregon Department of Fish and Wildlife has rated the Sandy River number 2 in their list of the Top 10 winter steelhead streams in Oregon. Only the Nestucca River had a higher average sport catch during the period of 1981 through 1985. Despite intense angling pressure, the Sandy supports significant numbers of wild winter steelhead and fall chinook.

d. The John Day Basin - The NWPPC estimated the value of John Day River steelhead stocks at $10 million in 1986. The John Day is the largest basin in the state which is managed for wild spring chinook and summer steelhead. The NWPPC has funded significant habitat rehabilitation programs and it is considered to be a critical component in the effort to rebuild Columbia River anadromous fish stocks.

e. Grande Ronde - Several sub-basins in the Grande Ronde system are managed for wild spring chinook and summer steelhead (i.e. Wenaha). Similar to the John Day, this river will play an important role in NWPPC restoration efforts. Substantial benefits would be realized if proposed protection for this stream were extended from the state line downstream to its mouth.

f. Deschutes River - The lower 100 miles of the Deschutes River is, perhaps, the "crown jewel" of Oregon's wild trout and summer steelhead fisheries. It is also one of the most heavily utilized river segments for white-water boating in the state. In 1987, The Oregon Legislature passed H.B 3091 which created the Deschutes River Management Committee. In light of this action we are requesting further discussion on the management options available under the Federal Wild and Scenic Rivers program.

We look forward to providing more detailed recommendations regarding the final structure of the legislation in the future.

In closing, I would like to note that the Federal Wild and Scenic Rivers Program is not intended to eliminate timber harvest. (According to Oregon River Council's assessment, the worst case scenario for timber base impact is less than one fourth of one percent withdrawal.) This program is not intended to eliminate agricultural practices if these practices do not degrade the outstanding river qualities. This program is not intended to take land from private ownership or eliminate hunting, fishing, or vehicular access. The Federal Wild and Scenic Rivers program, however, does offer an opportunity for balance. We firmly believe that a truly balanced approach to natural resource management will ultimately benefit every Oregonian.

We hope that agricultural and timber interests will carefully review the Omnibus Rivers Bill and then join us in a mutual effort to support legislation which will protect significant segments of our remaining free-flowing rivers.

Thank you for the opportunity to present testimony regarding this important issue.

Senator **Hatfield**. Thank you very much.

## STATEMENT OF STEVE ALP, ASSOCIATION OF NORTHWEST STEELHEADERS

Mr. **Alp**. Good morning. My name is Steve Alp. Unfortunately, Mr. Bowden couldn't make it, the vice president of the Association of Northwest Steelheaders.

On behalf of the 5,000 members of the Association of Northwest Steelheaders, we thank you for introducing this quality piece of legislation.

We're extremely grateful to see such quality streams as the Deschutes, Clackamas, Chetco, Nestucca, Alsea, John Day, and McKenzie included in your original list. The Association of Northwest Steelheaders has long been involved with the fight to protect these and other rivers for the benefit of all who might use them.

We would like to request the introduction of the Elk River in your Bill. It provides a unique opportunity to fisherman and is valued for its wild run of fish. It is truly threatened by commercial interests.

Robert Haig-Brown, a well-known author and fishermen stated, "The resource is a trust, and the first responsibility of angler, manager, scientist, and politician is to ensure its protection. Others who come after us will need it. And the pleasure and happiness of bright fish in bright waters has deep meaning for many people who are not anglers at all."

The Northwest Steelheaders feel that this legislation is an acceptance of your responsibility to protect Oregon's rivers for present and future generations. Thank you.

Senator **Hatfield**. Thank you very much. Thank you both.

I would like to invite Panel 9. George Atiyeh, Arch Diack, Jim Burl, Mike McKeel, James Baker.

Please proceed.

## STATEMENT OF JIM BERL, JIM'S OREGON WHITEWATER, McKENZIE BRIDGE, OR

Mr. **Berl**. Hello. My name is Jim Berl. I am here to speak in support of Senator Hatfield's Omnibus Rivers Bill as well as the House Rivers Bill as a resident, landowner, and licensed Oregon outfitter.

I am somewhat unique in that I live on the McKenzie River right now, have lived on the Grand Ronde River and near the John Day and North Fork John Day Rivers. Also I have Forest Service and BLM permits to take commercial trips on the McKenzie, John Day, North Fork John Day, and Grand Ronde Rivers.

As an Oregon resident, I have enjoyed the recreational and aesthetic values of this state for many years.

As a resident, I believe that Senator Hatfield's Rivers Bill will be beneficial to preserve the hunting, fishing, clean water, and beautiful scenery as well as saving these things I enjoy for my children and their children.

As a landowner, I believe this Bill will help preserve my property value by not allowing overdevelopment along these rivers, streams, and tributaries.

As Jim's Oregon Whitewater, an Oregon outfitter, I support the Omnibus Rivers Bill because I would like to see these and other rivers kept as is now with recreation intact—including fishing, hunting, river trips, camping, horsebacking, and other activities—to draw tourists to our beautiful state.

I believe that tourism is going to be an even more major source of income for the state of Oregon in the future.

The McKenzie is a good example known for its beautiful clean water, fishing, camping, river trips, lodging and scenery. On the negative side many of my clients have commented on how bad the clearcuts visible from the river look.

The John Day has one of the last native steelhead and salmon runs in Oregon along with a lot of other recreation such as hunting. On the Upper North Fork of the John Day there are huge slag piles from gold mining that I believe are detrimental to fish habitat and the scenery.

On the Grand Ronde Minam and Wenaha Rivers there is a major population of deer, elk, eagles, bighorn sheep, other animals, and fishing that should be protected.

To the best of my knowledge the Omnibus rivers bill only addresses about two percent of the rivers, streams, and tributaries in the state, which does not seem unreasonable to me. Also to the best of my knowledge, the Rivers Bill would add no additional restrictions or fees to the current system. If it were to in the future, I would not like it but would, I am sure, be able to compromise to preserve the nature of these waterways.

Three things I believe the Omnibus Rivers Bill help are to save abused rivers like the Deschutes from overuse and overdevelopment; to prevent further abuse of the rivers on the Bill; to save the last primitive rivers in Oregon for future generations.

Finally I urge Oregon to lead the way in river management by passing this Bill to preserve and protect some of our Nation's most beautiful and scenic rivers, streams, and waterways. Thank you.

Senator **Hatfield**. Thank you very much.

## STATEMENT OF GEORGE ATIYEH, LITTLE NORTH FORK HOMEOWNERS ASSOCIATION, PRESIDENT, SHINY ROCK MINING CORP., GATES, OR

Mr. **Atiyeh**. Senator Hatfield, Congressman Smith, for the record I am George Atiyeh, and I am here today wearing two hats. One is representative of the Little North Fork Homeowners Association and also as president of Shiny Rock Mining Corporation. It's an active lead-zinc-silver mine on the Little North Fork of the Santiam River.

You gentleman are probably getting tired of seeing me testifying on the Little North Fork of the Santiam. I started on our Senior Senator in 1975 and have been testifying ever since with one goal in mind.

Senator **Hatfield**. When you were in grade school. [Laughter.]

Mr. **Atiyeh**. No, sir. I wish.

I have been testifying on the unique values and—The one goal. I just want to see the Little North Fork and Opal Creek preserved. I want to thank our Senior Senator for taking this step in preserving

Oregon's rivers, and I also want to thank him for what he's done in the past to help us preserve the Little North Fork. Because of his efforts, eight miles have received some degree of protection by the Oregon Wilderness Bill. And then the State of Oregon declared the upper portion of the Little North Fork State Scenic Waterway, which is about a third of the river. The Forest Service manages about 14 miles of the river under their Scenic 1 and 2 classifications, but the entire river need to be protected.

There are various laws and classifications we now have which are overlapping and sometimes conflicting, and we need Federally mandated classifications to tie the whole thing together.

We would like to make the following recommendation. We'd like to see the entire Little North Fork put in from the Mehama to Opal Lake. We'd like the lower section be managed Recreations where the homeowners are; we'd like the middle section, which is now a State Scenic Waterway, to be declared Scenic; and we'd like the upper section declared Wild because that's the way it is right now.

This proposed classification reflects exactly the way the river is managed today, and we feel it fits right in. The lower part right now contains five State and County campgrounds, two private campgrounds, a golf course, planned destination resorts, sports camp, numerous summer homes; and all consistent with recreation.

The middle section is scenic, like I said, from the boundary up to the mining camp at Jawbone Flats. We feel we can live with that in spite of the testimony from some other mining companies. We live with the State Scenic Waterway; we like it, don't have any problem with it. It hasn't caused us any impact.

The following list of people are in support of this, and I'd like to read off all the National local conservation groups, The Chemeketans, the mining company, the residents of Little North Fork, Local Steelheaders, sportsmen, members of the scientific community both in and outside the Forest Service, local merchants from North Santiam and Salem, City of Salem, Oregon State Fish and Wildlife, members of the Oregon Legislature, even some loggers.

We'd like to protect this whole watershed, and we're going to need your help to do it. I think by doing it, we're really going to preserve something for the future that our children and grandchildren are going to be very proud of.

Finally, we had some mining officials from a Japanese mining company come up there. They looked at it and couldn't figure out why it wasn't a State or National park. We don't need the Japanese to tell us that. We should be able to look at our own resources and be able to preserve them without having them tell us. They said the Japanese would flock to something like this.

So thank you. If you're tired of seeing me, this is a good way to get rid of me.

Senator **Hatfield**. Best incentive I've heard. Thank you.

## STATEMENT OF ARCH W. DIACK, M. D., BOARD MEMBER, OREGON RIVERS COUNCIL, PORTLAND, OR

Dr. **Diack**. I am Arch Diack. I asked to be included to take part in these hearings as a riverine landowner for 47 years to tell what has happened to the river I love. I'm asking for extended Federal protection for the Sandy River. I wish to send my appreciation for you two people's efforts and work toward this end.

My brother and I and our families bought 270 acres of worthless but lovely land at the bottom of the Sandy River Gorge in 1941 to bring up our children. Requirements: woods, forest, water with fishing thrown in. It has all worked out happily for us, but the constant threats and damage to the river are impressive. They made me a strong supporter of the Federal protective Bill being introduced by Senator Hatfield.

The first threat is the draft proposal plan by our own Game Commission back in the 50's, I believe, to punch through 10 access roads through the 12 miles of the Sandy Gorge, each with an asphalt pad to accommodate hundreds of their vehicles. Somewhere along the road, this got canceled, but it made us think about ways to protect this beautiful wild river.

We gave a small parcel of land to round out Oxbow Park only to find out several years later that the County was attempting to close the park and lease it out as private development. This was stopped by the hundreds of people who use and enjoy Oxbow Park as a close-in retreat.

We considered donating our land to a university, but the usual course was to sell the land, build a building, or fund a professor. With the growth of East Multnomah County our assessed valuation jumped 1100 percent in one year. This made us decide to give the major portion of our river holding to the Nature Conservancy. It was probably the best decision our family's ever made for the Sandy Gorge Sanctuary can now be enjoyed by everyone, and it's now become a productive student biological research center.

The Sandy is the smallest of the river basins in Oregon, but also the busiest because it lies so close to Portland: over 1 million visitors, and I presume closer to 2 million, a year, and is the second highest steelhead producer in the state over the last one or two years now. It's the poor man's Rogue where you can get food for the family locker on the bank on a Saturday afternoon.

Yet trouble still threatens. At least three sewage disposal outlets now open into the once pristine Sandy. This is because nobody along the river was ever notified of this, only people who lived 500 feet from the outlet of the sewer. A proposed 90-acre backpack development in a wetlands that nourished the Salmon River near Welches was finally squelched, but at least one minihydro project was licensed in the upstream tributary.

I just learned at this meeting that they are logging now on the upper north stretch of Boulder Creek which is down below a Wilderness area and is unprotected and will be decimated, and this is one of the main tributaries of the Salmon River which is a source of salmon for us.

At least the Portland City Water Bureau is now in the throes of obtaining a license to divert 110 million gallons daily completely around the Scenic River segment and dump it through their pump generator, which they didn't apply for a license for.

Thank you very much.

[The prepared statement of Dr. Diack follows:]

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FEDERAL RIVERS PROTECTION BILLS S 82148 6/3/88

I have asked, as a private riverine landowner and board member of ORC to take part in a panel on the proposed Federal Rivers Protection Bills being introduced by Senator Mark Hatfield and Representatives Peter De Fazio, Les Au Coin and Ron Wyden. At the very start I want to extend my complete approval and support for their efforts to give Federal protection to some of the beautiful riverways in Oregon, and to say that it's high time that expanded river coverage take place.

The best way for me to state my case is by giving you a compressed story of my involvement with such a river, telling you what has happened to one landowner over the past 47 years. The dates may not be totally exact but the tale truthfully tells of the perils that befront almost any river in the state. Here is my plea for extended protection of the Sandy River.

In 1941 my brother Sam and I and our families found and bought 270 "worthless" acres straddling the river for 3/4 of a mile in the Sandy Gorge as a place to bring up our kids as we had been brought up in the wild part of Michigan. Requirements; woods wildlife, and water with fishing thrown in. We happily succeeded in this, but in the late fifties we were shocked to see a draft prposal by our Game commission showing no less than ten roads to be punched into the 6-800 foot deep gorge, each with its asphalt pad to accommodate hundreds of hunters and picknickers and their ORVs, and trailers,all in the 12 mile stretch that we had come to love as a wild area without trails, logging or civilization. This set us to thinking: how can we protect this most beautiful spot? We had given a small parcel of our land to "round out" Oxbow Park only to find out several years later that the County was planning to close Oxbow Park and lease out the land to private developers. This we stopped with the help of many many people who felt as we did. Next we considered giving it to some academic institution, but learned that the usuasl course was to sell the land and build a new building, or fund a new professor. With the growth of East Multnomah county, our tax assesors valuation jumped 1100% in one year. But rather than clear cut subdivide and move out with profits, our familieS agreed completely to do something better: to donate the land to The Nature Conservancy. This was probably the best decision any of us ever made for it would be protected forever as a sanctuary which all of us could enjoy. This has turned into the twelve mile wild and scenic stretch of the Sandy from Oxbow upstream to the Bull Run confluence. But State designation did not do away with all our troubles.

The Sandy is the smallest of all river basins in Oregon, but because it is so close to Portland,it is the busiest (over one million recreational visits a year),and is the second most productive steelhead stream in the state. It is the Poor man's Rogue. With all this pressure it has become the abused child of our rivers. Let me point out a few assaults -and I'm sure I can't remember all of them. I think it was in the early sixties that I signed as one of two riverine landowner complainants in a brief submitted to the XII District Federal Appeals Court in San Francisco, Without any notice, the very first sewage disposal permit ever granted on the Sandy,was issued to Zig Zag Viilage. Because we didn"t live within 500 Or 1000 feet -or whatever it was - we weren't notified.The decision on our appeal came out three years later saying: yes we were right; thay shouldn't have issued the permit but it was a "fait accompli" and there was no redress; furthermore he did not want this opinion to be admitted in a similar case in the future. Result: At least three or four more sewage outlets now dump into the Sandy; a 90 acre forest wetlands reserved for winter game in the Salmon River drainage area was to be completely covered with asphalt to accommodate 90 or 100 mobil homes to to help pay for the sewer bonds. The asphalt platform was stopped, but the Sandy is no longer a pristine river. I think there have been at last five minihydro projects proposed: one permit was granted, the others, I believe were thwarted by involved citizens and fishermen, because they were shown to be spawning streams. The latest and still undecided threat is the Bull Run Diversion project by the Portland City Water Bureau. The bureau proposes to divert 110 million gallons of Bull Run treated drinking water a day thru available excess capacity in its pipe lnes to a city resevoir; there it will be redirected out thru expensive pump-generators in th "deep"well sytem directly into the columbia to generate power to sell to PGE. The trouble is that this completely diverts clear Bull Run water AROUND the most used scenic-wild segment of the Sandy River, and no adequate EIS study or report has ever been made. Two not so funny things: the PGE had for twenty years been buying this same "excess" water from the Water Bureau passing it thru it's own powerehouse and returning it to the Sandy ABOVE the scenic river segment. Now the price has gone up to PGE which has to buy back at "avoided cost"-so up will go our rates. The other :the Water Bureau never applied for a permit for the generators before installing them at $1.3 million extra cost.If this weren't bad enough,it has taken six legally expensive years for landowners, Multnomah County City of Troutdale and fishermen and boaters to fight this and we are still awaiting the Supreme Court"s decision. Dredging of 250,000 cubic yards of gravel were allowed without fully studying the upstream effects on fall chinook spawning beds. Jet boats weere finally prohibited after a struggle, but this year without notification, the Fish and wildlife people ae-allowed fishing from a boat, much to thew disappointment and anger of the bank fishermen who can't afford to rent a boat, but do need a steelhead for the family table.

If these matters are left to be fought over at State level, it is wise to point out that a study of the Sandy River done by the Parks division of DOT found there were no less than 32 different governmental or munifcipal bodies with some juristicional resposibilities in the lower 16 miles of the Sandy River. When polled none of the 22 representative present would accept responsibility. Thus the feeling of futility of citizens who happen to like rivers.

This IS a picture of an abused child, and I certainly welcome the fresh entrance of a Federal Law that would protect what is certainly one of the most prcious natural assets of Ourgon.

I would hope that the word"segment" will soon be outlawed when applieed to rivers, for they deserve to be treated as UNITS, that is as total river basins. For only then will all people living in a watershed be able to know and have a say about how to protect themselves and their rivers.

I certainly hope that this first great step will be followed by BILL OF RIGHTS FOR RIVERS which will, at least:
1. Define rivers as UNITS (from sources to mouth) and not as SEGMENTS, which allows abuse of whatever segment of a river that flows thru town and the devil take the DOWNstreamer;
2. Mandate adequate basin wide notification of any project; that will actively promote easy to understand non-bureaucratic explanations of the issues both pro and CON
3. Finally give rivers standing in court to be legally represented as corporations now are,for their own defence.

Again I want to thank Senator Hatfield and Representative De Fazzio for introducing these two bills. It is a GREAT BEGINNING!

Respectfully submitted,

To be included in the official record.

Senator **Hatfield**. You deserve a little overtime because when you talk about your brother Sam and yourself, George is just a short termer. We've spent 35 years with you. [Laughter.]

Dr. **Diack**. I was going to suggest that this group should consider a long-range plan for establishing a bill of rights for rivers in which a whole river, starting at its mouth, is considered. We cannot really take care of rivers by segments. It's as dangerous as reaching for the middle third of a rattlesnake. [Applause.]

Senator **Hatfield**. Thank you.

## STATEMENT OF JAMES BAKER, PRESIDENT, McKENZIE GUARDIANS, FINNROCK, OR

Mr. **Baker**. Senator, I am James Baker, Finnrock. I am president of and representing McKenzie Guardians. I bring you greetings and thanks from Rainbow Falls. Also, thank you for including our world-renowned McKenzie River in your Bill.

The McKenzie, the premier river of Oregon, the river Woody Hineman and his famous riverboat, the river Prince Albert, the famous guide whose sons are McKenzie River guides today.

This magnificent river deserves to be included in your Bill, all the river and all the tributaries. But alas, we know that's not about to happen.

But how about a compromise? We here in the State of Oregon recognize the special quality and use of the river above Good Pasture Bridge to its source in Clear Lake. By not allowing use of motors on or in the river, except for search-and-rescue operations, all of this part of the river that is free flowing should at least be a recreation river along with the South Fork of the McKenzie, the only river on the Willamette National Forest threatened by a dam. Strube Dam is a financial fiasco which you have opposed funding for in the past, and we thank you.

Some other rivers on the Willamette that belong in your bill are the Breitenbush, the Little North Santiam and Opal Creek, South Santiam, Little River, the North Fork, Middle Fork of the Willamette. I also recommend you include Walker Creek and Klamath in your Bill. That would put three dam-endangered rivers in your Bill.

Back to the McKenzie River. This river is very important to the economy of the valley and all of Lane County. It is a major tourist and recreational attraction with draws from all over the world. It needs the enhancement the protection of your Bill offers.

When the Forest Service studied the river five years ago, I opposed designation in the Wild and Scenic Rivers System due to the Forest Service land-use plan, which is very bad along the river. The plan is bad but management has been fair. The proposed alternative in the new Willamette plan is greatly improved, putting the banks of the McKenzie on one-eighth mile on each side in special interest areas. Your Bill should improve that to one-quarter mile, as it should have been all along.

We thank you, Senator, for your continuing interest in the McKenzie Valley.

Senator **Hatfield**. Thank you very much for being here. Panel 10: Dick Edgley, Tony George, Peter West, Jim Thurber, Kent Wickham.

You may proceed.

## STATEMENT OF KENT WICKHAM, OREGON GUIDES AND PACKERS ASSOCIATION, EUGENE, OR

Mr. **Wickham**. "My name is Kent Wickham. I am an outfitter who conducts river trips throughout Oregon, Washingon, and California, but primarily in Oregon. I am based in Eugene. I am here today on behalf of Oregon Guides and Packers Association, a statewide organization of outfitters and guides.

Our industry, as represented by Oregon Guides and Packers, is very much in favor of Senate Bill 2148, and we are very appreciative to Senator Hatfield for his efforts. Most of us started doing what we do for a living as a result of our love for the particular activity we're engaged in and as a result of our love for wild places in which the activities occur. So it only follows that we would support a bill that offers such important protection for our rivers, their creatures and their corridors. But as an industry, we are very excited about the positive statement this Bill makes about Oregon and its citizens.

On our trips we encounter people from all walks of life from all parts of the world on a daily basis. So we are constantly reminded of the image that exists in people's minds when they think of Oregon. They think of fishing, hunting, mountains, rivers, ocean beaches, and wildness. And in this age, when adventure travel is one of the fastest growing of industries, that bodes well for the future of Oregon. People recognize Oregon as a land of natural resources, so we are on their minds when they think of travel and adventure.

This landmark piece of legislation is more than just an important river protection and management bill, however. This amendment says to all Americans that Oregon is serious about protecting that which is the best of Oregon. It invites them to come see what we have here, and it ensures that they will be here and in good shape when those people visit.

There are, however, several exclusions that concern us. Both are included in House Bill 4164. Number one, we would like to see the important salmon and steelhead spawning grounds of Steamboat Creek protected. The North Umpqua, into which Steamboat flows, is arguably the finest summer steelhead stream in the country. Steamboat's protection is vital to the well-being of the Umpqua fishery.

Second, we support the protection of Hell's Corner Gorge on the Klamath between Boyle Dam and Copco Lake. In the past five years this incomparable whitewater river has gained national recognition as the best summertime Class V river in Oregon and perhaps on the West Coast. In fact, it is the only such river that people can do in Oregon in the summertime. Add to this its status as a blue ribbon wild trout fishery, and it easily deserves the best protection available. I am there virtually every weekend between mid-July and September, and the hundreds of people there each and every weekend are sound testimony to the fact that it's an important recreational resource. Of all the rivers I do, it is the one generally considered by guests to be the finest of all Oregon whitewater streams.

By passing Senate Bill 2148, Senator, and by including the rivers listed in H.B. 4164, you would do a lot to preserve that which makes Oregon unique and wonderful. Oregon Guides and Packers supports and applauds you and your love for Oregon's special natural resources.

Senator **HATFIELD**. Thank you. Next.

## STATEMENT OF TONY GEORGE, THE CHEMEKETANS HIKING CLUB, SALEM, OR

Mr. **GEORGE**. Senator Hatfield, Congressman Smith, and staff, my name is Tony George. I am representing The Chemeketans Hiking Club in Salem, Oregon. We are an outdoor recreation group with over 560 members. I am here today to support Senate Bill 2148 and to commend you both for introducing it in your respective chambers.

As our contribution to the Bill, we recommend inclusion of Little North Santiam River and its major tributary, Opal Creek, in the Bill. The Little North Santiam is an important addition to the Bill. First, it is within a short 40-minute drive of Salem, our capital. Second, it's one of only a few eligible rivers which flows from the Cascades without dams or impoundments. Third, it's already designated as a State Scenic Waterway, so your job would be just simply to make it a Federal Waterway.

Opal Creek is an important addition to the Bill. As an example, I'll quote from a report by Forest Service Researcher, Miles A. Hinstrom and Sara E. Green in a letter to Michael Kerab, Willamette National Forest supervisor.

> There is no research natural area in the western Cascade province which contains an entire intact stream basin, nor are these community types well represented in the research natural area system. Opal Creek itself is an excellent example of a first to third order committed to low-elevation stream with a very healthy riparian zone dominated by old growth timber and red alder. The creek contains riplets, pools, waterfalls, plunge pools, coarse weed debris, and log jams, all characteristics of a healthy environment. We would like to go on the record as supporting some kind of protection for the Opal Creek drainage.

The Marion County commissioners, in their letter on the Willamette National Forest Plan, expressed concern about road and timber-cutting impacts near the newly constructed Little North Santiam trail within the State Scenic Waterway corridor. They also express concern about the general forest designation and Forest Service preferred alternative as it would not appear appropriate for the Opal Creek area as 73 percent of the area has highly erodable soils and severe surface erosion potential and 40 percent of the area is unsuitable for timber harvest. The City of Salem voted to protect this watershed by endorsing Alternative C of the Draft Forest Plan, and that would keep Opal Creek roadless.

Senator, I was impressed by your opening remarks. Your Bill has 40 rivers in it while the National system only has 70. With only a modest expansion of your Bill, we could have more rivers than the entire rest of the nation. [Laughter and applause.]

Our motto could be "Oregon, The Wild River State." Thank you.

Senator HATFIELD. One-upsmanship today. [Laughter.]

## STATEMENT OF PETER WEST, CONSERVATION CHAIRPERSON, OREGON KAYAK AND CANOE CLUB, PORTLAND, OR

Mr. WEST. Thank you, Senator Hatfield and Congressman Smith, for being here. I am glad to see after three and a quarter hours you're not visibly bored. I am Peter West, the conservation chairperson from the Oregon Kayak and Canoe Club. We are a membership organization of about 275 households or about 500 members scattered throughout Oregon, Idaho, and Northern California.

The Oregon Kayak and Canoe Club has long been concerned with the quantity, availability and quality of boating opportunity. We've watched misguided activities to create anadromous river runs and seen multiple-use concourse ignore recreation interests. It is for these reasons that we support the Senator's efforts to provide National designation for Oregon's rivers. We feel the designation is the best way to address the issues of quantity, quality, and river-use conflicts.

The OKCC has long felt too much has already been given over to the diversions, dams, stream backlogging, grazing, and mining. In our view we've given up so much. In our calculations more than 4,000 miles of Oregon rivers have already been lost to dams and diversions. As pointed out before, we've only gotten back from that a little more than 300 miles of protection.

It is our view that Federal protection as you propose is really the only effective means of putting a little balance into the scales. We are tired of seeing subsidized hydro projects like those under river legislation and FERC decisions like those that are diminishing protected areas program, foster more river loss than would ever occur under their rules and true economic considerations.

Aside from the simple desire to keep our recreation options as open as possible, we are also concerned with the quality of the rivers and a safe boating experience. We are consistently seeing river degradation, inappropriate or overzealous grazing, and logging. These activities are often leaving increased hazards in the rivers. They destabilize the streambanks, and we're seeing more logs, fallen trees, and washout materials in the river than are otherwise safe or would occur naturally. We view the management plans that follow National designation as a prime area for facing up to such conflicts.

As an aside example, on the Quentin Creek run on the Blue River, which is currently being logged, they are felling trees intentionally into the river to protect fish habitat that is being lost to the logging. This is serious for kayakers. We just had a fellow killed on the Sandy from sweeper logs.

Again, we applaud your efforts to create farsighted and inspirational management for Oregon's rivers. We recognize that this bill adds to those management factors already in place, and consider this Bill as an important validation of that which is already undertaken. In truth, we have little faith that the Forest Service and BLM will continue to maintain river management unless they are held to it. Further, we have little faith that FERC will follow State agencies and other Federal agencies unless rivers are formally designated for protection.

In fact, recently I heard the FERC commissioner say that the Council's protective areas program is only advisory. If that is true, then they have cut the heart and soul out of the protective areas program and simply made a mockery based on consensus.

I would like to urge you to extend your efforts to include more than 18 other rivers, and I'll provide that later.

Again, I would like to thank you for this foresighted effort and applaud you.

Senator HATFIELD. Thank you.

### STATEMENT OF JIM THURBER, COALITION IN WATERSHEDS, GLIDE, OR

Mr. THURBER. Honorable Senator Hatfield and Congressman Smith, my name is Jim Thurber. I've lived in Roseburg since 1978, and for the past two years, I've lived right on the banks on the North Umpqua River about two miles below where the designation would take place. I represent a coalition of conservation groups. The coalition is called Watersheds, and it includes Umpqua Audubon, Umpqua Wilderness Defenders, and Cow Creek Community Center. The group totals nearly 500 total members.

We'd like to thank you very much, Senator Hatfield, for introducing this legislation, and we have nothing but praise for your tremendous leadership that you're showing on this issue. A statesman of your caliber can hardly leave behind you a greater legacy of concern than the passage of this Bill would do. Oregon may rank near the bottom on other issues, but with passage of this Bill, it would lead the Nation in respect and caring for rivers.

The Watershed Coalition would like to support inclusion of the following rivers in our area for the reasons I enumerate:

The North Umpqua. Naturally the Forest Service is to be highly commended for the four years of study they did on the river and for their management of the river prior to this, enabling us to reach this stage. I cannot take time to enumerate all the merits that the County, State, and National agencies have documented and sung the river's praises in numerous documents. It's a world-renowned steelhead fishing river which has hardly diminished since the days of Zane Gray who sang of it in his stories. It's fully recommended by the Forest Service for Recreation designation. It has some of the highest waterfall—pristine waterfalls in the Nation. People routinely drink the water untreated from the North Umpqua.

It would be a very easy river to manage as far as the Bill is concerned because over 97 percent is Federal, State, and County; there's only one percent private ownership. We need to do a better job of getting out to private owners that their lands aren't going to be taken away from them. We can also address visual problems and competing things in the management plan.

Steamboat Creek under PH 98494 received a Congressional mandate to receive special management to invoke, enhance, and conserve this fine American habitat of anadromous fish. Watershed is extremely concerned that the Forest Service has done little to date to back up its standing with action. Steamboat RSA, which has been given over almost entirely to commercial timber harvest or harvest NA 10 and 11 with 46 more to be scheduled to be harvested in the first decade, contains 50 to 70 percent of all wild anadromous fish, reaches temperatures of low 70's and high 80's from July to September and is saved only by Big Ben Creek coming in 10 degrees colder. We urge on you very strongly to include Collin and Steamboat in your Bill.

Others in our area invite you to include the South Umpqua, which has been studied before, and its tributaries, Castle Rock, Cork, and Jackson Creek.

We support the additional five rivers in the House Bill and all other threatened and outstanding rivers in Oregon, especially the Upper Klamath. We went through the Winchester battle which resulted in H.B. 2990, and many citizens of Oregon are still wondering how in H.B. 2990 the only river excluded in that Bill was the Klamath. You probably wouldn't be having any problems dealing with putting it in your Bill now if it had been put in under H.B. 2990.

Thank you.

Senator HATFIELD. Thank you very much. Last panel is Panel No. 11. Craig Lacy, Jack Nath, Conrad Zevely, Craig P. Markham, Michael Jones.

You may proceed.

## STATEMENT OF CRAIG P. MARKHAM, VICE PRESIDENT, OREGON NATURAL RESOURCES COUNCIL, PORTLAND, OR

Mr. MARKHAM. Thank you, Senator Hatfield, Congressman Smith. I am Craig Markham. I reside in Portland. I am vice president of Oregon Natural Resources Council. I am also a board member of Oregon Rivers Council, and I am secretary of the Oregon Rivers Initiative Campaign. In my spare time I work for the Highway Department, but that's another story.

Senator Hatfield, thank you for introducing Senate Bill 2148, a Bill which shows great promise in ensuring that many of Oregon's free-flowing rivers will remain a splendid heritage for future generations to enjoy and as havens for our state's fisheries and wildlife.

I feel this decade is a turning point in the terms of Oregon's natural environment. By its close we will have substantially determined the fate of Oregon's remaining dwindling natural environments. Will they remain in meaningful quantities by the turn of the century? Or will we find ourselves living in a squandered paradise?

The preservation of our remaining free-flowing rivers will play a major part in making that determination. Every river listed in your Bill is already very special to Oregonians and to the thousands of people who visit our state every year. We all have our favorites which vary from person to person according to where we live and how we use them.

I note that there are five rivers conspicuous in their absence from this Bill and included in House Bill 4164. They were already noted, and I would like to add my support for inclusion of those rivers.

For all their values as natural free-flowing rivers, many of those proposed rivers are highly threatened today by inappropriate developments, and pressures can only grow worse if we wait any longer. But at the same time even dams, bad timber management, and mining do not stand alone as threats to our rivers. This is a concern I refer to of recreationists and landowner alike. If we are left with too few natural rivers in our state, we may wind up loving the ones that are left to death.

The past decade has witnessed a tremendous growth in the recreational demands on our free-flowing rivers. Some of the better known stretches have become seriously overused. Float trips on portions of the Clackamas or the Deschutes during peak periods are becoming more like experiences in sociology and crowd control than a natural phenomenon. There are also waiting lists when it comes to critical points. To protect the resource, we have had to go to waiting lists. On the Rogue, for example, and the Snake people have to wait as many as two years. Sometimes they get bumped off the list. It's difficult to plan, particularly when the weather intervenes.

Senator **Hatfield**. Thank you.

Mr. **Markham**. Thank you, sir.

Senator **Hatfield**. I appreciate your comments. Good morning.

### STATEMENT OF CONRAD ZEVELY, BOARD MEMBER, BREITENBUSH HOT SPRINGS RETREAT, DETROIT, OR

Mr. **Zevely**. I want to thank you for introducing this Bill and introducing the previous Bill so we have something to build on here rather than starting from scratch at this time, and Congressman Smith as well.

My name is Conrad Zevely. I am from Breitenbush Hot Springs. I was president of that corporation for seven years and am still currently a board member.

What I wanted to say is that I think it's very important that the Breitenbush River be considered in this Bill. It's been left off for various reasons, and for reasons I will enumerate I think it should be included in the Bill. It's an outstanding and threatened river in the Willamette National Forest. It has a wide variety of public uses. Breitenbush River corridor is a tourism artery carrying traffic from Detroit Lake Recreation Area to Breitenbush Hot Springs, the Mount Jefferson Wilderness area—which also is on a waiting list now—Olallie Lakes Scenic Area, Mount Hood, and Estacada.

Along the Breitenbush there are numerous campgrounds, 70 summer homes, our own retreat and conference center as well as well as quite a number of pools and trails and natural areas. The Breitenbush River supports a healthy native cutthroat and rainbow trout fishery. Not everywhere can say that anymore.

In the Northwest Rivers Inventory conducted by the National Park Service, it was rated as one of the finest whitewater kayaking rivers in this state. In terms of the pristine nature of the South Fork, the South Fork until just recently was the longest wild river left in the state of Oregon.

There are marks on the trees up on the gorge, which if you've ever seen the front of Oregon II, it is the front of Oregon II. That's not only nationally known, but internationally known thanks to the effort of our Governor.

But the gorge is threatened by the activities of the logging. As I say, there are dates on those trees that go back to 1864. That's 120 years. We're talking in the Forest Service in looking at about a decade as long-term planning. I would suggest that a century might be a little more appropriate.

The Breitenbush River serves as water supply for Breitenbush and the Detroit. It also serves as water supply for 100,000 users in Salem, Stayton, and Lyons. I might mention that it's a basin supply for the Willamette Valley in terms of the agriculture; and as we dwindle our resources in the forest and force the farmers to dig deeper wells, we hope they continue to find water.

[The prepared statement of Mr. Zevely follows:]

Breitenbush Hot Springs
Retreat and Conference Center
P. O. Box 578
Detroit, Oregon 97342
(503) 854-3314

## Testimony of Conrad Zevely

## Field Hearings for the 40 River Senate Bill (S. 2148)

I want to thank Senator Hatfield for introducing this legislation and holding these hearings. I am Conrad Zevely, Administrations Officer, of the Breitenbush Hot Springs Retreat and Conference Center near Detroit. Breitenbush Hot Springs commends the Senator for beginning this process, which could lead to landmark legislation.

This bill would be even stronger with the addition of the Breitenbush River. This outstanding and threatened river in the Willamette National Forest serves a variety of public uses. The Breitenbush River corridor is a major outdoor recreation and tourism artery, carrying traffic from the Detroit Lake Recreation Area to Breitenbush Hot Springs, the Mount Jefferson Wilderness Area, Olallie Lakes Scenic Area, Mount Hood and Estacada.

Along the Breitenbush, numerous campgrounds, trails, picnic areas, fishing and swimming holes, summer homes and our retreat-conference center testify to the popularity of this beautiful area. The Breitenbush River supports a healthy native cutthroat and rainbow trout fishery, a favorite of anglers around the state.

Considered one of the finest white-water kayaking rivers in Oregon, the Breitenbush was ranked "outstanding" in the Northwest Rivers Inventory conducted by the National Park Service. The pristine, wild South Fork of the Breitenbush is bordered by one of only three National Recreation Trails on the Willamette Forest. The magnificent Breitenbush Gorge is featured on the front cover of Ray Atkeson's famous coffee table picture book, **Oregon II.**

The Breitenbush River serves as the domestic water supply for the communities of Breitenbush and Detroit. The Breitenbush is part of the watershed serving the cities of Salem, Stayton and Lyons, a total of over 100,000 users. Concern for watershed integrity and protection moved the Salem City Council to recently endorse one of the most conservation-oriented management plans, Alternative C, for the pending Willamette Forest Plan.

As a conference and retreat center hosting eight to ten thousand people on a year-round basis, I can flatly state that the wild and scenic Breitenbush River is a major attraction to this growing outdoor recreation and tourism area. The Breitenbush Hot Springs Retreat and Conference Center, as a private property owner along the Breitenbush River, whole-heartedly supports the addition of the Breitenbush River to this legislation.

Breitenbush Hot Springs wishes to see all of Oregon's most threatened and outstanding rivers included in the bill. The additional five rivers in the House bill are critical. By including the five House bill rivers, the Breitenbush, and all of Oregon's other threatened and outstanding rivers, the bills would change the nature of river protection in Oregon and nationally .

The Breitenbush Hot Springs Retreat and Conference Center commends Senator Hatfield for being the originator of this landmark process. Thank you for your time and consideration today.

Senator **Hatfield**. Thank you. There are few events in our lives that we know precisly where we were when it happened. And almost 50 years ago I was at Breitenbush lodge when Hitler invaded Poland. So I remember that very vividly. That was one of our favorite places as an outdoor sojourn which we would do as a family: we'd go to Breitenbush.

Mr. **Zevely**. Let it continue to be so.

Senator **Hatfield**. Go ahead.

## STATEMENT OF JOHN NATH, CORVALLIS, OR

Mr. **Nath**. Senator Hatfield, Representative Smith, thank you for coming and having this opportunity to testify on the Bill that you have set forth here. My name is actually John H. Nath; my nickname is Jack. I am a professor at Oregon State University and also a civil engineer, but I am speaking here on my own behalf and that of my wife. I have written testimony which you have in front of you I believe.

First of all I want to thank you again for introducing this Bill which is as important as the Beach Bill in Oregon. This Bill introduced in the House of Representatives, H.B. 4164, also includes portions of the Elk, Sandy, North and Middle Forks of the Willamette, Steamboat Creek, and the Upper Klamath. These rivers are also very important to the economic and biological health of the state, so we urge you to include them in the Senate Bill.

As for the Upper Klamath, we oppose the construction of the Salt Caves Dam project for reasons that the area really does qualify for Wild and Scenic designation, and we think that it is a valid function of the Federal Government to consider this for Wild and Scenic designation as well as consideration for a dam there by FERC.

I'll skip the next paragraph because that includes the rivers that we like a lot and have a lot of enjoyment recreating on. Next paragraph for this testimony is probably more important here.

The speed with which the issue of river protection has gained momentum is the signal that Oregonians are ready to work with Congress to make this proposal a reality. It is notable that the Northwest Power Planning Council, independently, is holding hearings on river protection within the Columbia River Basin and its tributaries. Hopefully, this heralds a new approach by all governmental bodies working with waters of the Northwest to take bold steps to ensure the future advantages to be gained by preservation of our Oregon river systems.

Recreation we feel is an increasing valuable resource for Oregon, and I think that it often receives less than its full due as far as an economic resource. We often hear of fishing versus commercial or wherein commercial includes things like dams or logging or mining. Well, I maintain, although it's not we don't have a lot of facts on it, that recreation represents a huge economic resource to the state, and fishing, et cetera, is one of them, as well as commercial fisheries offshore.

Rivers are the lifeblood of our state. Not only do they provide habitat for fisheries and a transport system for fish, they perform a much needed but little known function of transporting sediment to the ocean. If we put a lot of dams, they have a lot of trouble getting that sediment to the ocean. That sediment builds beaches. They flush wastes from the farmlands and other sources which also find their way to the sea. Protecting water quality will help to prevent overloading the system with pollutants and will assure the continuance of the above benefits.

Lastly, we're ready to help if there's anything we can do with this legislation.

[The prepared statement of Mr. Nath follows:]

May 2, 1988

Senator Mark O. Hatfield
555 So. Yamhill St.
Portland, OR 97204

Testimony re: National Wild and Scenic Rivers Bill 2148

Dear Senator Hatfield:

We thank you for introducing SB 2148 which calls for Wild and Scenic designation for portions of over 40 Oregon rivers. This is indeed a most important bill for the citizens of Oregon and will lead the way for similar legislation to be adopted by other states. We look forward to this bill becoming law during the coming session.

The bill introduced by Representatives DeFazio, AuCoin and Wyden, HB 4164, also includes portions of the Elk, Sandy, North and Middle Forks of the Willamette, Steamboat Creek, and the Upper Klamath. These rivers are also very important to the economic and biological health of the state, so we urge you to include them in the senate bill.

As for the upper Klamath - we have kept abreast of the Salt Caves Dam project, and we oppose it. That stretch of the Klamath meets the criteria for protected status. In addition, we think that consideration for Wild and Scenic designation for this portion of the Klamath is as valid a function of the Federal government as the consideration for placing a dam there by FERC.

In preparation for this hearing we thought about all the rivers in Oregon that we have fished, boated, rafted, or hiked along, and we have a long list. Fortunately, most of them are included in SB 2148. They include the Rogue, Deschutes, Alsea, Metolius, Owyhee, McKenzie, Willamette, John Day, Donner und Blitzen, Minam, Lostine, and the Nestucca. Missing from the list are some we would like to see considered - the Breitenbush, North and South Santiam, and the Siletz, which are close to home and often visited.

The speed with which the issue of river protection has gained momentum is the signal that Oregonians are ready to work with Congress to make this proposal a reality. It is notable that the Northwest Power Planning Council, independently, is holding hearings on river protection within the Columbia River basin and its tributaries. Hopefully, this heralds a new approach by all governmental bodies working with waters of the Northwest to take bold steps to insure the future advantages to be gained by preservation of our river systems. Recreation is an increasingly valuable resource for Oregon. It provides a sizeable and continuous long term income for many residents and state revenue. It may far outweigh the value from quick profits to be made from mining, logging or small hydro development.

SB 2148, with the addition of rivers mentioned above, represents a legacy for Oregon that ranks even higher in some respects than the Beach Bill, because the health of the near shore of the Pacific depends on the health of the water that flows to it from our rivers.

Rivers are the life blood of our state. Not only do they provide habitat for fisheries and a transport system for the fish, they perform a much needed, but little known function of transporting sediment to the ocean, feeding sand to Oregon's beaches. They flush wastes from farm lands and other sources which also find their way to the sea. Protecting water quality will help to prevent overloading the system with polutants and will assure the continuance of the above benefits.

We are ready to assist in any way possible to see the successful passage of this legislation.

Sincerely,

John H. Nath Jean M Nath

John H. and Jean M. Nath
2250 NW Brownly Hts. Dr.
Corvallis, OR 97330

Senator **Hatfield**. Thank you. I can certainly affirm the point you make on the matter of the economic value ascribed to recreation. We're battling that issue now on ports in this state, where smaller ports along the coast, particularly where the Army Corps of Engineers is only assessing the commercial values of those ports in terms of commerce coming and going rather than recreational as well as commercial, which effectively would almost close some of those ports on the Corps' program.

I guess you're the last gentleman on this panel, Mr. Jones.

## STATEMENT OF MICHAEL JONES, RHODODENDRON, OR

Mr. **Jones**. Thank you. My name is Michael Jones. I live in the Mt. Hood corridor. I am here today speaking for myself. However, as this hearing has been going on, many people and groups have gotten together to get behind what I will tell you today. With me there would have been 60 school children from Welches Grade School. Unfortunately, they are having their yearly test today, and they will not postpone those tests. So they have submitted petitions with 159 names so far and will continue to gather these and also letters which will be submitted on the record.

Senator **Hatfield**. We will be happy to receive them on the record.

Mr. **Jones**. Thank you. I believe the addition of 1600 miles of the 40 rivers in Oregon under the protection of the Wild and Scenic Rivers Act is an important and historic step in blending tourism with preservation. I look at this as being a cornerstone in practical farsighted economical development in this state.

There are two very important rivers located in Clackamas County and the Mt. Hood corridor, tributaries to the Sandy River, which unfortunately have been left off the list. I believe that these two rivers, the Little Zigzag and the Large Zigzag Rivers need to be included for their protection.

Were this Bill being introduced at a time period between the early 1840's and 1900's, these two rivers would have been included. The reason is the important role that they have played in the lives of the pioneers and Native Americans that came before them. Today they are perhaps overlooked because they are located only 45 to 50 minutes outside of Portland where many, many thousands of people fish their banks, gaze upon their beauty. I guess these are two rivers we have taken for granted that will always be there.

Sadly, as time marches on and you take a look at what has happened in and of the corridor, we're entering a very serious, serious period. These two rivers, due to the lack of sympathy by land management people, will be destroyed.

These two rivers originate high up on Mt. Hood, and they are very lush rivers today, anadromous fish associated with these two rivers. I have done numerous stream rehab projects on tributaries and also a large one that just took place on the banks of the Zigzag River.

I had a speech prepared, but I am not going to go into it. I'll submit it on the record. However, there are a couple things I need to bring to light. It's not too often I have such a large audience to listen to me, and because of the seriousness of this——

Senator **Hatfield**. Better make it short.

Mr. **Jones**[continuing.] Proposal and what issues have been raised here, I think there are two things you must be aware of—three things, that pertain to the Salmon River which is one of the rivers included in this Bill.

First of all, above the Salmon River near the village of Brightwood there is a creek, very small, known as South Boulder Creek. Arch Diack mentioned this. I want to elaborate further.

Clackamas County last year on May 8th completed—started construction of a bridge. They are finished with this bridge today. It is opening up Boulder Creek drainage to logging, which is a major tributary to the Salmon River which provides vital and essential spawning and habitat waters for anadromous fish. Clackamas County is proposing to log there. In addition, the State of Oregon is proposing to log there. In addition, the BLM is proposing to log there. And because this bridge has been constructed, the whole south side of the Salmon River is now opened up to logging. In addition——

Senator **Hatfield**. Sir, you're going to have to summarize. Your time is up.

Mr. **Jones**. In addition, the U.S. Forest Service has plans to log along the Salmon River.

And to close, the RV park, which is located near the mouth of the Sandy and the Salmon River, two or three years ago was given permits to build. They entered an agreement with a conditional-use permit. Conditions were placed on this permit to protect the river and the timber land along this river. As of today, one year after they have started, they have been open, all of the conditions of this conditional use permit have been violated.

So I am going to ask you that after the hearing I'll contact you to help us on these issues because they're very much associated with what we are trying to do here.

[The prepared statement of Mr. Jones follows:]

Michael P. Jones
Cultural & Natural Resource Consultant

May 3, 1988

### TESTIMONY OF MICHAEL P. JONES PERTAINING TO ADDITIONS OF TWO MT. HOOD RIVERS - THE ZIG ZAG AND THE LITTLE ZIG ZAG TO THE "WILD & SCENIC RIVERS BILL"

I am representing myself today, but while this hearing has been in session, several groups have been banning together and are organizing to "garner" support for what I am presenting. Too much is happening too fast to the Mt. Hood Corridor, and the "Wild & Scenic Rivers Act" is an essential tool to insure the protection of some of its waterways.

Senator Mark Hatfield's proposal to add 1,600 miles of 40 rivers in Oregon under the protection of the "Wild & Scenic Rivers Act" is an important and historic step in blending tourism with preservation. If successful, such a designation would serve as a "cornerstone" for practical and far-sighted economic development in this state.

There are two very important Rivers located in Clackamas County in the Mt. Hood Corridor, which are tributaries to the Sandy River, unfortunately have been omitted from this list. They very definitely need such a classification if they are to continue in serving both Nature and humankind. These are the Zig Zag River the Little Zig Zag River.

Were this bill being introduced in the time period between the early 1840's and the 1900's, they would not have been overlooked, for the role that they played in the lives of the Oregon Trail pioneers and the Indians

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before them was extremely significant, because these waterways held a life and death importance. But today, perhaps because they are located only forty-five to fifty minutes out of Portland, where many, many thousands utilize their banks and waters for angling and recreation, and relish upon their rich, scenic beauty, it is as if we have taken them for granted and believe that they will always remain in the spectacular setting which they offer us today. Sadly, as each one of here today realizes, what has taken Nature millions of years to create and nurture into its current existence can very quickly be eliminated due to ignorance and greed. That is why I am here today, to plead the case for adding the Zig Zag River and the Little Zig Zag River for "Wild & Scenic River" designation.

The primary source of the Zig Zag River comes from the base of Mississippi Head, which is located high-up on Mt. Hood and situated at the head of the Zig Zag Canyon. As the stream descends down a rugged and scenic area that was created by a mudflow from a volcanic eruption, it is fed by surface and underground springs, as well as other streams until it joins the Sandy River.

The "Zig Zag River" - for which the historically correct spelling, incidently, is two words instead of the single one as some contemporary historians argue - connotates many historical references. For the Indians who utilized what we now refer to as the Mt. Hood Corridor as the main crossing of the Cascade Mountains since prehistoric times, its snake-like meanderings down from a Glacier on Mt. Hood was followed by an ancient path. Many different tribes came to its banks to fish in such areas which we now call the "Indian Camp Natural Area" and "Rhododendron Meadows", both located in what is now the Village of Rhododendron.

A short distance to the east of this Village, is a stream which is very difficult to be ignored when talking about the Zig Zag River - this is "Lady Creek". This is a very special tributary of the Zig Zag that provides habitat and spawning areas for the Steelhead and Salmon that make the larger River an excellent one for fisheries, as many anglers have discovered throughout the years. This small creek would partially fall within the protective boundaries of any "Wild & Scenic Rivers" designation, and would guarantee that at least part of it will be preserved.

"Lady Creek", the name used today, is merely an Anglosized version of an Indian word that connotated the use of the area by women of different tribes. Here they would come for their "vision quests" which took place on the cliffs that overlook both of these streams.

As the furtrade began to increase its dominance in what was then known as the "Oregon Country", sometime during the 1830's, the Hudson's Bay Company established a small trading post at the junction of the Zig Zag and Sandy Rivers. However, with the coming of the overland pioneers in the 1840's, and in the widening of an Indian Trail in order to establish the Barlow Trail, a toll road over the southern flank of Mt. Hood which followed the Zig Zag for several miles, the trading post began serving the in-coming emigrants. In fact, Samuel Welch, a Pennsylvanian who arrived in this area during the early 1840's, operated this crude ten-foot by ten-foot business in 1880 before establishing the Welches Resort eight years later, which became Mt. Hood's first destination resort.

Upstream from the trading post near what is now the Village of Rhododendron became a primary camping area for the pioneers. Many journals refer to the area where the Zig Zag is joined by Still Creek as the "Zig Zag Campground". One portion of this historic site - now known as "Pioneer Meadow" - still has surviving ruts from the days of the covered wagons.

A short distance upstream from this point, toll gate, an important replica of this pioneer era stands. A popular educational and tourist attraction, here also is a campground administered by the U.S. Forest Service that remains today as an symbol of those early years of the Oregon Trail, but also as a symbol in the development of recreation. A log shelter, depicting a Cascading architectural theme that was constructed in the early 1930's by the Civilian Conservation Corps (CCC), also still survives. And, two popular trails, the Ridge Trail and the Twin Bridges Trail, all intersect with this important waterway.

In respect to wildlife, the Zig Zag River and its accompanying habitat is of critical concern. Many species such as Deer, Elk, Cougar, Bear, Bobcat, Coyote, Pine Martins, Porcupines, Beaver, Weasels, Minks, Raccoons, River Otter, and many other furbearers rely upon it. And, along its cliffs and rocky outcroppings, Owls, Hawks, and other raptors still offer their presence in an area that is rapidly changing the natural environment.

With the loss of so much winter range in the Mt. Hood Corridor, particularly due to development on private land, the Zig Zag River and its adjoinging lands play a critical role in the survival of Deer in the area. They have come to depend upon the remaining forested areas along this stream and its tributaries for their survival. A designation such as a "Wild & Scenic River" will insure that we will have a place for wildlife during the severe and crucial months when the deep snows bury their foodsource.

History, wildlife, natural beauty, fisheries, and recreation - these too describe another important waterway that needs to be protected under the "Wild & Scenic Rivers" designation. The "Little Zig Zag River" begins on the slopes of Mt. Hood about a half of mile west of Timberline Lodge, near the Hidden Lake Trail. And, like the main Zig Zag, as it cascades a course down a rugged Canyon, underground and surface springs feed into it.

This upper portion of the Little Zig Zag plays a major role as a habitat for Elk. This is part of their breeding grounds, migrating in from the east slopes of Mt. Hood from the White River area. Back-tail Deer summer in these upper reaches of the Little Zig Zag. And, during the winter season, they will migrate downstream and wait out the deep snows.

Several recreational trails are associated with the Little Zig Zag. These include the Glade Ski Trail, the Hidden Lake Trail, and part of the Pacific Crest Trail which connects with the Timberline Trail. Incidently, what we now refer to as the Pacific Crest Trail began as an Indian trail that connected their ancient path to the north of the Mt. Hood - the Lolo Pass Trail - with their southern trail that became the Barlow Trail. When the pioneers arrived, many utilized this same connecting trail to drive their cattle over to intersect with the primary wagon road.

Downstream, some five to six miles from its beginning on Mississippi Head, the Little Zig Zag joins with the main Zig Zag near Twin Bridges Campground. And, in spite of the fact that the Canyon for this waterway was formed by a former mudflow which gives the water a sandy appearance, stream surveys have shown it to be good habitat for both resident Trout as well as anadromous fish. Here can be found some excellent spawning areas for Winter Steelhead.

The Little Zig Zag makes up a beautiful natural area that helps to create the scenery of Mt. Hood that keeps bringing people back again and again. It is also a waterway that benefits fish and wildlife, and a "Wild & Scenic River" designation will give it the necessary protection that it deserves.

I urge you to consider the Zig Zag River and the Little Zig River for "Wild & Scenic" designation. They are two very historically important waterways, that provide a great deal to our natural environment, and scenic and recreational enjoyment.

Thank you for your serious concern for the Rivers of Oregon.

Senator **Hatfield**. Thank you. We will be happy to receive further information from you both for the record and on related matters.

Is there anyone now who has come in late to the hearing who had been scheduled on one of the panels?

[No response.]

Senator **Hatfield**. Let me remind you again that on May 30th in Bend and June 1st in Grants Pass, we continue these hearings.

I would like to thank each one of you for your participation. It's been very helpful. We will have a publication of the hearing at some point where you can acquire a copy of it, if you wish, by leaving your name and address here with the staff.

I want to thank the staff again: Tom Williams of our committee who is a veteran of many years, has been very helpful over the years on all of our legislative works; Mark Walker of my Washington office; and Mike Salsgiver of my Portland office. We're certainly happy also to have Valerie Stackhouse, Congressman Smith's staff person. And certainly not least, even though last, is Brenda Rogers who has been very diligent here recording the statements, the testimony.

And Congressman Smith, I am certainly delighted that you joined us today as a sponsor of the legislation in the House.

If there are no further remarks, we will stand in recess until May 30th. Thank you.

[Whereupon, at 11:45 a.m. the hearing was recessed, subject to the call of the Chair.]

# OMNIBUS OREGON WILD AND SCENIC RIVERS ACT OF 1988

MONDAY, MAY 30, 1988

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS,
NATIONAL PARKS AND FORESTS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
*Bend, OR.*

The subcommittee met, pursuant to notice, at 8:04 a.m., in the Big Deschutes Room of the Riverhouse Motel, Hon. Mark O. Hatfield presiding.

## OPENING STATEMENT OF HON. MARK O. HATFIELD, U.S. SENATOR FROM OREGON

Senator HATFIELD. The hearing will please come to order.

I'd like to welcome all of you here this morning to this hearing on the Omnibus Oregon Wild and Scenic Rivers Act proposal, and I'd especially like to extend a warm welcome to my colleague from the Fourth District, Congressman Peter DeFazio, who, along with Congressman Les AuCoin, has introduced legislation on the House side relating to wild rivers. I appreciate very much all of you giving up part of your Memorial weekend to be here.

I continue to be impressed by the high level of interest that has been demonstrated by Oregonians exhibited with regard to the management of the rivers resources, and I look forward to this morning's hearings.

This is an official hearing of the Senate Public Lands, National Parks and Forest Subcommittee, and the purpose of this hearing today is to receive testimony on S. 2148, the Omnibus Oregon Wild and Scenic Rivers Act of 1988.

I would like to thank Senator Johnston from Louisiana, Chairman of the full Senate Energy and Natural Resources Committee, and Senator Bumpers, the Chairman of the Subcommittee for agreeing to schedule this hearing today in Oregon, and I very much appreciate their cooperation in this matter.

Senator Packwood and I introduced S. 2148 on March the 4th, 1988, and today's hearing is the second in a series of Oregon field hearings that will be held on the proposed legislation. The first hearing was held in Oregon City on May the 3rd.

As many of you know, this discussion bill proposes to add at least 133 segments of 40 rivers to the Federal Wild and Scenic Rivers System. When introduced, this represented the largest single effort to enlarge the Wild and Scenic Rivers System in the lower 48 states since Congress enacted the Wild and Scenic Rivers Act in 1968.

Currently, only four Oregon rivers, portions of the Owyhee, Snake, Illinois and Rogue River, totaling just 317 miles, are protected under the Wild and Scenic Rivers Act and Senate Bill 2148 would add another 1,705 additional miles of Oregon rivers to the system.

In developing the description of the river segments to be included in this bill, I drew upon the information provided by the Forest Service in their draft land management planning process, and also the Bureau of Land Management.

The purpose of this and other hearings is to evaluate the qualities of each of these river segments that have been incorporated in the bill, and to determine whether they possess the extraordinary natural value necessary for inclusion in the Federal system. Some rivers may be removed after this consideration of such hearings, others may be added, and descriptions now in the draft may change as we gather more information about these rivers.

It is my understanding that some of the witnesses and spectators have had to travel several hours to be here this morning, and I regret any inconvenience this has caused those individuals; however, I am very pleased that they are taking an active role in this important public comment process. Everyone's participation will be of great assistance to me as this legislation is refined in the weeks and months ahead.

I am also aware that many of this morning's witnesses are here to testify against various portions of the bill, as well as in support. I welcome these witnesses. I would like to add, however, that your testimony will be much more valuable if it is based on fact and not just pure hearsay.

Furthermore, I must caution that any outbursts by members of the audience on any matter before this subcommittee will be cut off at the gavel. We want to hear everyone that we possibly can in the four hours that we have to conduct this hearing, and it merely intrudes into the time factor to have audience participation of this kind.

Furthermore, I would like to comment on one of the most controversial and least understood aspects of the Wild and Scenic Rivers Act. Of all the natural resource statutes on the books, the Wild and Scenic Rivers Act is by far the most flexible. While the act does give the Federal government the right to condemn private property on river segments with less than 50 percent public ownership, I cannot emphasize too strongly that this bill is not a Federal land grab.

The Wild and Scenic Rivers Act is designed to manage rivers in their existing state, and the key element in making this bill successful lies in the ability of the Forest Service and the Bureau of Land Management to negotiate cooperative land management agreements with private landowners.

To illustrate this point, I will quote some preliminary figures provided to me by the Forest Service. The Forest Service has approximately 500,000 acres of land nationwide in the Wild and Scenic Rivers System. Out of that amount, only 26,748 acres were acquired from private landowners, and of the 26,748 acres, only 653 acres was through condemnation. All the rest was through negotiation. Furthermore, condemnation has not been used by the Forest Service under this Act since the early 1970's.

Before I call our first witness, I would like to discuss the procedure we will follow today. As you can see from the witness list, all of you will be speaking in panels. This panel format helps us save time and organize the testimony. Appearing on a particular panel does not in any way commit the participants to agree with other members on that panel. All of your views will be considered individually.

Because we are operating under a four-hour time constraint, today's hearings can only last until noon. Unfortunately, not everyone who signed up to testify may be able to be accommodated at this hearing. Accordingly, I have drawn up a standby list which is comprised of about 14 people whom we were unable to place on the regular panels. If all of the witnesses on the panels have concluded their testimony prior to the hour of 12:00, the individuals on the standby list will each have one minute to highlight their statements, and although I regret that this situation has developed, there is no other alternative.

I also want to add that witnesses were placed on the panels in the order that they called my office and informed us of their interest. In effect, those individuals who have been placed on the standby list signed up later than the other witnesses.

When your panel is called, please come to the witness table as quickly as possible and please hold on to your written statements until your panel is called. Staff will collect your statements as you come forward to distribute them to us. If you are not testifying but have a written statement or letters for the hearing record, give them to a member of the staff any time during the hearing.

Now, bear in mind, all written statements will be included, incorporated, in the record, whether you testify or do not testify, whether you are listed or not listed. We welcome any and everyone's statements to be incorporated in the record.

Because of the large number of witnesses scheduled to appear today, it will be necessary to limit the oral testimony to three minutes. We will be using a timer, to my right here, so that you can tell when your time is up. Green means begin, yellow means you have one minute left, and red means stop. This procedure will help keep things moving and give us more time for testimony.

Additionally, the hearings record will remain open for two weeks to receive additional material or statements that you may have that you did not come today prepared to give to the committee.

Again, I want to welcome my colleague from the House of Representatives, Congressman Peter DeFazio. He is very interested in the protection of Oregon's rivers, and I am pleased that he is here this morning.

Congressman, I would welcome any opening comments you wish to make.

## STATEMENT OF HON. PETER DeFAZIO, U.S. REPRESENTATIVE FROM OREGON

Mr. DEFAZIO. Thank you very much, Senator.

I'd like to thank Senator Hatfield for his vision and courage in introducing a statewide river protection bill. Thanks to the efforts of the Senator we have an opportunity to protect some of Oregon's most outstanding rivers and streams for this and for future generations. I'd also like to thank him for inviting me to participate in the Senate field hearing.

I'd just like for people in the audience to note that Representative AuCoin, Wyden and myself will be holding some town forums, we can't call them official hearings, on July 1st, 8:00 to 11:00 a.m. in Portland and 2:00 to 5:00 p.m. in Eugene on the same subject.

Representatives AuCoin and Wyden joined me in introducing legislation in the House of Representatives that is nearly identical to the Senator's bill. When we introduced our bill we echoed Senator Hatfield's description of this as the starting point for a discussion; a discussion involving agencies of the Federal government, the state of Oregon, local governments, industries and interest groups within the state, interested citizens and elected representatives.

This effort has generated a considerable amount of interest and, in some cases, controversy.

Serious and legitimate concerns have been raised by owners of private lands adjacent to rivers that are included in the bill. I believe those concerns can be addressed within the context of the Wild and Scenic Rivers Act.

We have the opportunity to show the rest of the nation how the Federal government can cooperate with the citizens of this state to develop a comprehensive river protection plan that is both fair and farsighted.

Once again, I thank the Senator and I look forward to the testimony that we'll hear today.

Senator HATFIELD. Thank you, Congressman.

At this time we'd like to begin the hearing with a statement by Ms. Gail Achterman, who is the Director of Natural Resources for the State of Oregon and representing Governor Neil Goldschmidt, the Governor of the State of Oregon.

Welcome.

## STATEMENT OF GAIL ACHTERMAN, DIRECTOR OF NATURAL RESOURCES, FOR THE HON. NEIL GOLDSCHMIDT, GOVERNOR, OF OREGON, ACCOMPANIED BY JOHN LILLY, ASSISTANT ADMINISTRATOR OF THE STATE PARKS AND RECREATION DIVISION

Ms. ACHTERMAN. Thank you very much, Senator, it's nice being here this morning and nice seeing Congressman DeFazio here, as well. I will shorten my statement, given the extensive number of people who are—again, it's nice being here this morning and I will truncate my written statement and really focus on what the state agencies and the State of Oregon hopes to contribute to this process, which we very greatly welcome.

We asked the—as you well know, the protection of rivers in Oregon is important to many of our citizens. I think our own experience with the Oregon State Scenic Waterways System is a demonstration of how popular rivers protection is in the state.

There has been a 44.6 percent increase in use of the lower Deschutes River, which is part of our State Scenic Waterways System between 1982 and 1987, and we think that the effort to protect additional rivers in the state of Oregon through Federal legislation is most timely.

In order to assist in the legislative process and the Senate legislative process, we asked the State Natural Resource agencies to use their knowledge and expertise on these various rivers that are identified in the bill, to specifically address the technical eligibility and classification requirements under the Federal Wild and Scenic Rivers Act.

The findings of our technical review team are contained in the notebooks which we have submitted to you for the record, and they contain all the information from our State Department of Fish and Wildlife's fisheries plans, as well as from our Water Resources Department basin plans, and from the records of our Parks and Recreation Division and it's organized by river segment.

The findings were that of 103 river segments in the bill, we agree that 99 meet the requirements of the Federal statute for eligibility. We found, however, there are four segments that we do not think are eligible under the Federal standards. These include a stretch of the Upper Deschutes River, which was recently considered at great length by the Oregon State Legislature. And they decided not to include it in the State Scenic Waterways System because of the same concerns about the nature of development in that area.

The Little Deschutes River around the town of Gilcrest where it—in the bill, the stretch that goes right past the mill would also be included, and we don't think that's eligible; the Nestucca in the vicinity of McGuire Dam and the Crooked River at Opal Springs.

On the question of classification as opposed to eligibility, the team identified 17 segments of rivers in the bill that need revaluation in our opinion. Sometimes they're recommended for scenic in the bill and we think they ought to be wild, and sometimes they're recreational and not to be scenic and sometimes it goes the other direction, and I'm not going to attempt to go through all 17 of those; there's a summary of them in the front part of the notebook.

John Lilly, who's the Assistant Administrator of the State Parks and Recreation Division, is here this morning to answer any specific questions you may have. John led the interagency team that did this analytical work and is available to your staff to answer any further questions.

Again, I think it's important to realize, and for people in the audience to realize, that the analysis contained in our technical evaluation was based on the natural, recreational and scenic resource values of these river segments, since that's the focus of the Federal statute and the focus of your deliberative efforts.

The agencies have not yet been asked for their recommendations on actual designation, and we aren't in a position yet to make such recommendations, because, obviously, socio-economic impact evaluation is necessary before any designation recommendations can be made, and we hope that's the kind of information that's going to come out of the additional hearings that the Senate and the House are planning.

We welcome the process, we would like to assist you however we can in your deliberations, and we think that the discussion that results from this and other hearings will result in historic natural resource stewardship legislation for Oregon.

We hope to be able to work with you and to address specific concerns about actual designation that you will undoubtedly hear from those most familiar with some of these river segments.

The State of Oregon is pleased to pledge its support in helping you to develop an Omnibus bill that protects our most outstanding and significant river areas. Thank you.

[The prepared statement of Ms. Achterman follows:]

# Testimony Regarding S.2148
# Oregon Omnibus Wild and Scenic Rivers Act
by
Gail L. Achterman
Assistant to Oregon Governor Neil Goldschmidt
for Natural Resources

Good morning Senator Hatfield and members of the Committee. My name is Gail Achterman. I am the Governor's Assistant for Natural Resources. I am here today representing Governor Neil Goldschmidt.

We welcome your efforts to place a number of Oregon rivers into the National Wild and Scenic River system. Oregonians have a keen and growing interest in their rivers. Many consider them critical to Oregon's quality of life.

Oregon's richly diverse natural landscape provides us with many outstanding scenic and natural rivers. Oregonians cherish many of these for their outstanding recreational qualities, especially fishing and whitewater boating. The Deschutes, Clackamas, Metolius, John Day and Sandy are good examples.

On the lower Deschutes River, boating use increased 44.6% from 1982 to 1987. That rapid rate of growth simply reflects the increasing popularity of our rivers--not only for boating but also fishing, camping and hiking.

Our state has a love affair with its rivers. The clean-up of the polluted Willamette; the Willamette River Greenway; and the Bear Creek Greenway in Jackson County are good examples of local and state partnerships involving river conservation.

The Oregon Scenic Waterway Program, established by a popular vote of the people of Oregon in 1969, is recognized nationally as an outstanding example of a state river conservation program. Today that program covers over 600 river miles and includes segments of 11 rivers and one lake. Some of these same rivers are included in your bill.

While our state and local conservation efforts are useful, federal designation remains as the most effective stewardship tool for balanced conservation of Oregon's special river areas. This is especially true on federal lands and for protection of key areas from federally-licensed hydroelectric development.

In order to assist in your legislative process, we asked the state natural resource agencies to use their knowledge and expertise to review the rivers in the bill. They were specifically asked to address the technical "eligibility" and "classification" requirements under Federal law.

I am pleased to report to you the findings of our technical review team. Again, these findings are based on our agencies' technical evaluations and are designed to assist you in your deliberations.

Of the 103 river segments in the bill, the team agreed that 99 met the federal requirements for eligibility. However, four segments should be reconsidered. For example, seven miles of the Upper Deschutes River recently found to be ineligible for state scenic waterway designation are included in the draft bill.

On the classification issue, the team identified 17 segments needing re-evlauation. This information is well-documented and detailed in the notebooks we have provided to you. The notebooks contain data and maps on each of the 40 rivers in S.2148.

Dave Talbot, Administrator of the State Parks and Recreation Division, is here to answer any questions you may have on the state's review. . Again our focus in this analysis was on natural, recreational and scenic resource values, since these are the focus of the federal statute. The agencies were not asked yet for their recommendations on actual designation; socio-economic impact evaluation is necessary first.

We welcome this process. The discussion that results from this and other hearings will result in historic natural resource stewardship legislation. The State of Oregon is pleased to pledge its support in helping you develop an omnibus bill that protects our most outstanding and significant river areas.

Thank you.

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Senator **HATFIELD**. Thank you very much, Ms. Achterman.

We appreciate very much, again, your illustration of why this bill is but a draft bill and needs refinement and careful consideration for every foot of these rivers, in order to precisely qualify, not only for the law itself, but for that subdivision within the law.

A lot of people forget that there are three separate classifications within the Wild and Scenic Rivers Act. We want to make sure that any part of the rivers that we incorporate meet the criteria set in that law or any one of those three and all three of those classifications. That's why we have these hearings. It's very important to have those who are on the scene—both citizen and governmental representatives—to identify, as I say, every foot of the river, whichever river it may be that they've included.

We thank you very much for your testimony, and we will be calling on Mr. John Lilly to further work with the staff of our committee to refine the bill. Thank you.

Ms. **ACHTERMAN**. Thank you very much, it's a pleasure being here.

Senator **HATFIELD**. Let me now call the first panel consisting of the Hon. Bob Pickard, the Hon. Cedric Hayden, the Hon. Tom Throop, the Hon. Lorene Allen, the Hon. Dick Hoppes, the Hon. Craig Coyner, and the Hon. Gary Pankey.

We'll let the lady go first, if that's all right with you, then we'll start with Bob Pickard and go down the line.

## STATEMENT OF LORENE ALLEN, GRANT COUNTY JUDGE, CANYON CITY, OR

Ms. **ALLEN**. Thank you, Senator Hatfield and Congressman DeFazio. I represent the Grant County Court. It's the belief of the Grant County Court that the river, the John Day River, which is the only river I will address, should be looked at as a whole, rather than fragmented in its designations.

There are, in fact, several plans that deal with the John Day as a whole presently. The Oregon State Water Resources Basic Plan, the State Fish and Wildlife Fisheries Plan, which is still in the process of being formulated, and the BLM Recreational Plan, which is also in the process of being formulated.

We believe that there may be some—some redundancies that will result from this. We'd like to see these plans take precedence over the Federal plans because they are in process and are going to deal with the river as a whole.

A second concern is the fact that there are—there's a good deal of private land, particularly in stretches where there's alternate agriculture now being developed. There is a possible conflict between recreationists and this agriculture which seems to be developing.

The Grant County Court, along with the other courts in the John Day Basin, supports the John Day Basin Council, which was a council formulated to watchdog or ride herd on the various agencies that are working in the John Day Basin. We strongly urge that before final designations are made that a member of the council be—may be advisor to yourself on that. Thank you.

[The prepared statement of Ms. Allen follows:]

**GRANT COUNTY COURT**
COURTHOUSE
CANYON CITY, OR 97820
503-575-0059

# TESTIMONY ON A BILL TO AMEND

# THE WILD AND SCENIC RIVERS ACT OF 1968

BEND, OREGON

MAY 30, 1988

# TESTIMONY ON A BILL TO AMEND THE WILD AND SCENIC RIVERS ACT OF 1968

I shall address only the John Day portions included in this bill.

The upper mainstem, all of the middle and south forks, and most of the north fork of this river lie within Grant County.

It is a priciple of operation that all the John Day River and its watershed be considered together in planning. The John Day basin as a whole must be treated as a unit, not fragmented by agencies and by various designations.

The John Day River is a free-flowing river. It is scenic for much of its reach, is fairly non-polluted, and has a unique fishery. A small portion of the upper North Fork is included in a wilderness area, much of the river runs through either national forest or BLM land, and much is bordered by privately owned, irrigated land.

The portion that runs through the wilderness was extensively mined and logged in the late 1800's. The portion that runs through national forest land has been logged. The portions through BLM land have been grazed. The private portions have been used as a source of irrigation--virtually all the irrigable land in this county lies in close proximity to the main stem or the north fork of the John Day. It has all been fished, and various stretches are popular for boating, or, in the upper reaches, for inner tubing.

The State of Oregon adopted a Basin Plan for the John Day which lays out proposed use, both in and out of stream, plans for stream bank protection, watershed enhancement, and which precludes impoundments on the river itself.

The Oregon Fish and Wildlife is developing a fisheries management plan for the entire river.

The BLM is developing a recreation plan for the entire river.

The State Water Resources has imposed minimum flows on most of the river.

The forestry practices act sets forth criteria for logging and forest-related activities near streams.

In addition to these regulatory overlays, the Soil and Water Conservation Districts on much of the river have been actively engaged in watershed enhancement, streambank and erosion protection, and riparian area improvement.

The Forest Service, the Fish and Wildlife, and the BPA have participated in fisheries enhancement.

My conclusions are these:

1. The river is now being protected from just about anything or any body that would be detrimental
2. Those people most actively engaged in enhancing the qualities sought in this bill are the local river users.

There is a further consideration. This is the economic effect on the irrigated portion of the North Fork. This valley is narrow, and most of the irrigable land lies very close to the river. The local agriculture community has been actively pursueing alternate crops, including orchard, mint, and now herbs, to supplement their other incomes. The possibility of either the intrusion of great numbers of recreationists on this private land or the even remote possibility of imposition of scenic easement could be detrimental to the agricultural industry in that area. This is true also of portions of the mainstem between Kimberly and Dayville.

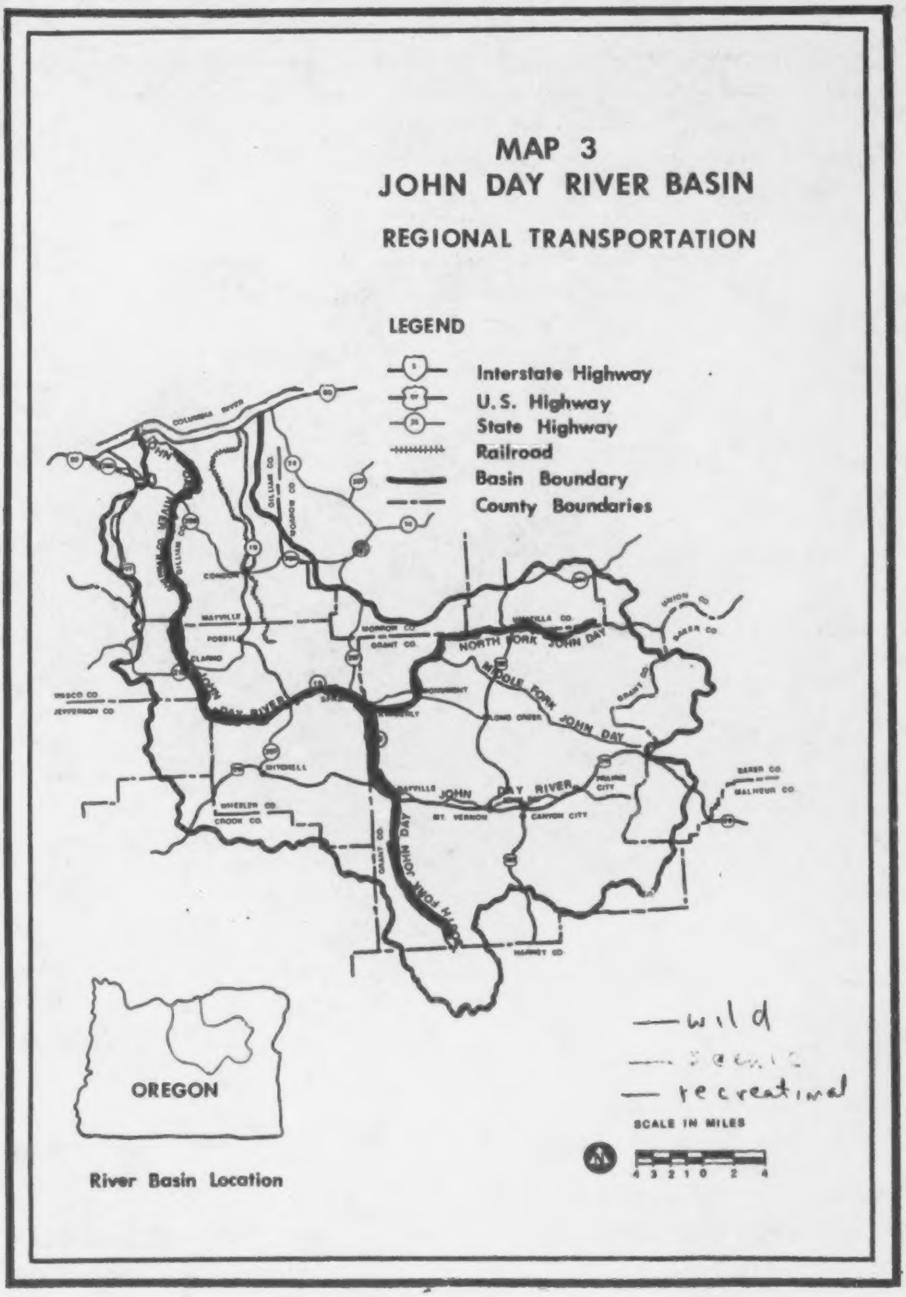
In light of this possible effect, we strongly urge that all private lands be excluded from any designation under the wild and scenic rivers bill.

In conclusion, it seems that this bill provides redundant protection and management, and would be one more layer of government to deal with. Designation by federal legislation would virtually remove control of this river from State lands and place it with federal agencies. We have the possibility of adverse economic impact on the agriculture industry.

We understand that this a bill for discussion. We strongly urge that before any final action is taken, these points be considered.

Thank you

Lorene Allen
County Judge, Grant County



MAP 3
JOHN DAY RIVER BASIN
REGIONAL TRANSPORTATION

LEGEND
Interstate Highway
U.S. Highway
State Highway
Railroad
Basin Boundary
County Boundaries
COLUMBIA RIVER
JOHN DAY RIVER
NORTH FORK JOHN DAY
MIDDLE FORK JOHN DAY
SOUTH FORK JOHN DAY
JOHN DAY RIVER
CONDON
MAYVILLE
FOSSIL
CLARNO
SPRAY
KIMBERLY
MONUMENT
LONG CREEK
MITCHELL
DAYVILLE
MT. VERNON
CANYON CITY
PRAIRIE CITY
GILLIAM CO.
SHERMAN CO.
MORROW CO.
GRANT CO.
UMATILLA CO.
UNION CO.
BAKER CO.
MALHEUR CO.
HARNEY CO.
WHEELER CO.
CROOK CO.
WASCO CO.
JEFFERSON CO.
OREGON
River Basin Location
SCALE IN MILES
4 3 2 1 0 2 4
— wild
— scenic
— recreational

Senator **Hatfield**. Thank you very much, Commissioner.

Okay, should we start at this end?

## STATEMENT OF HON. BOB PICKARD, OREGON HOUSE OF REPRESENTATIVES, BEND, OR

Mr. **Pickard**. Good morning Senator Hatfield, Congressman DeFazio; welcome to Bend.

These remarks are directed to you, Senator, since the presence of the Congressman is an unexpected bonus.

As we begin this hearing, it seems appropriate to pause and review for a minute a career which leads us to this moment.

Others will speak to the specifics of the Omnibus Oregon Wild and Scenic Rivers Act; I will speak to the specifics of its author.

There's a temptation to go back to the days when you played clarinet in the Salem High School band, but I've resisted that. Instead, let's focus on some features of your present role as U.S. Senator.

Senator **Hatfield**. You're not old enough to remember the other, anyway.

Mr. **Pickard**. You're kind. For me, a central theme of yours has been "thoughtful dissent." You've used this within Oregon and the U.S., with the opposition party and within your own party. And perhaps nowhere did this find greater expression than during the Vietnam period.

Your views on peace and war have inspired and disturbed people for years. Your dissent within the religious community has stirred multitudes.

Another feature of your role as Senator has been attempts at government reform in the executive branch, protection of family farms versus corporate giants, tax reform with an emphasis on simplicity and equality, and civil service reform.

But I must stop. This could easily turn into a "This is your life show."

All of this is to illustrate my support of you as my Senator and to go on record in support of S. 2148. Seven of the 48 rivers in this measure flow in the district that I represent. To say that I feel fortunate about this historic undertaking is an understatement.

It is my view that history will rank you as one of our great senators in a league with Webster, Clay and Calhoun.

If we can obtain passage of this measure in some reasonable form, it will provide preserved protection of these rivers for future generations and add yet another chapter to the Hatfield legacy.

I pledge my support to that end, and thank you for bringing this hearing to Bend.

Senator **Hatfield**. Thank you very much.

## STATEMENT OF HON. CEDRIC L. HAYDEN, OREGON HOUSE OF REPRESENTATIVES, EUGENE, OR

Mr. **Hayden**. For the record my name is State Representative Cedric Hayden.

I appreciate the opportunity to be here and speak to Senator Hatfield and Congressman DeFazio about these matters. I think that perhaps Representative Pickard and I may play a little bit of good cop and bad cop here this morning. I have a few cautions and concerns. Although I am in support of the bill, I may express some thoughtful dissent this morning.

I appreciate the opportunity to speak to the hearing today. I'm here representing constituents in Oregon House District 38, 4500 square miles of rural foothills and forests. The citizens of my district in many localities are directly and personally affected by this legislation, and I wish to address several points.

My first point is that most of us sincerely wish to preserve and protect the rivers of Oregon from degradation and abuse, and my written testimony will amplify that.

I wish to add a few caveats and cautions in digressing from my written testimony, but paraphrasing it. Please, don't add any additional rivers, creeks or segments to this bill. Particularly avoid adding the Opal Creek drainage. This has been a point of controversy in each of the last two sessions of the Oregon Legislature, after having been considered and rejected by Congress for wilderness in the 1984 Wilderness Act. Ample wilderness and roadless areas are nearby in that area.

Two, whenever possible, focus the designation on the public lands and exclude private property from the bill, particular notice given to the lower five miles of the McKenzie River outside the forest boundary.

Three, insure that in no case will this designation allow the de facto lockup of areas outside the river corridors, prolonged appeals and lawsuits over logging roads and bridges used merely to transit these areas make timber harvest difficult or impossible in vast reaches of land lying beyond the wild and scenic river.

Another view of concern is the claim that the view shed from the corridor is protected and logging must not be done on any hill that can be seen from the river or corridor.

Four, although it has been stated that the amount of timber lost to harvest in the corridors is small, it is, nonetheless, finite.

I believe that the appropriate quid pro quo would be the release of Federal timber elsewhere, not currently available for harvest as a replacement. I'd like to go now to page three of my written testimony in summary.

Page three, paragraph two, a point making that there should be no additions to the list of waterways under consideration in this bill. Many would not even know about new inclusions by the time hearings are held in Washington.

Paragraph three, I particularly oppose the inclusion of Opal Creek drainage in this bill.

Paragraph four, I wish to amend this bill only slightly by setting the downriver limits and designation on the McKenzie mainstem to the boundary of the Willamette National Forest and I request that no additional waterways be added to the bill at this time.

Going to page 14 of the Senate bill line 20, the amendment I propose is to delete the words "to the McKenzie Bridge" and add the words "to the Willamette National Forest boundary," making this paragraph B read:

> The 13.1 mile segments from the base of the developments at Trail Bridge Dam to the Willamette National Forest boundary as a recreational river to be administered by the Secretary of Agriculture.

Last paragraph, I thank you for allowing me to participate in these field hearings and I'd be pleased to supply the subcommittee with any additional information you may request. And I do thank you very much.

[The prepared statement of Mr. Hayden follows:]

CEDRIC L. HAYDEN
EASTERN PORTIONS OF
CLACKAMAS, LANE, LINN,
AND MARION COUNTIES
DISTRICT 38

REPLY TO ADDRESS INDICATED
☐ House of Representatives
Salem, Oregon 97310-1347
☐ PO Box 78
Fall Creek, Oregon 97438

COMMITTEES
Member
Transportation
Labor

HOUSE OF REPRESENTATIVES
ASSISTANT MINORITY LEADER

BEFORE THE US SENATE
SUBCOMMITTEE ON PUBLIC LANDS,
NATIONAL PARKS AND FORESTS
CONCERNING S 2148, "THE OMNIBUS
OREGON WILD AND SCENIC RIVERS
ACT OF 1988"

STATEMENT OF
CEDRIC L. HAYDEN
OREGON STATE REPRESENTATIVE
DISTRICT 38

May 30, 1988

Senator Hatfield, I appreciate the opportunity to speak to this hearing today. I am here representing constituents in Oregon House District 38, 4500 square miles of rural foothills and forests. The citizens of my district in many localities are directly and personally affected by this legislation, and I wish to address three primary points.

My first point is that most of us sincerely wish to preserve and protect the rivers of Oregon from degredation or abuse. Oregon's riparian owners, particularly, for 129 years of statehood, have been conscientious stewards of this resource. We wouldn't have so many fine waterways in Oregon today if this had not been the case for all these years. Oregon has perhaps the strongest statewide planning and zoning laws nationwide. The State of Oregon owns and helps regulate all the waters of this state. The State of Oregon has taken a strong protective position toward its waters and the activities that might impact them. Because of this already vigilent public policy, there are areas of private riparian ownership in this bill for which designation would add no increased protection and would only add an unnecessary additional layer of federal management to private activities.

The area that most concerns me in this regard is the inclusion of the approximately five miles upstream from the state highway bridge at McKenzie Bridge on the McKenzie River. This area of this river is quite fully developed near the community of McKenzie Bridge with private homes, resorts, a church retreat, farms, and commercial buildings. There is virtually no difference in character 100 feet downstream on the other side of the bridge, and designation under this act would unfairly and unnecessarily burden nearly adjacent properties with special federal management.

The better designation for this river would be at the upriver end of private property on this river. This would be at the boundary of the Willamette National Forest approximately at the confluence of the McKenzie mainstem with Scott Creek. This is an excellent management limit to set because it is relatively close to the proposal given and already coincides with public ownership and management. Five miles of fine-tuning on the proposed boundaries for this river will not significantly impact the intent and good objectives of this omnibus bill.

Private forest uses and homesite management within this five mile stretch between McKenzie Bridge and Scott Creek are already heavily restricted by adopted statewide comprehensive planning and zoning. There is nothing that this designation can add to the management of those lands. Because of the character of the McKenzie Valley along this portion of the valley, no serious consideration has ever been given to dams because of the population density and width of the valley. There is simply no such threat now, nor will there be without "an act of Congress" literally. The State of Oregon has adopted a fish management plan for most of this segment which includes stocking of hatchery fish to encourage bank fishing, especially along the Forest Service hiking trail that follows the river on the south bank from McKenzie Bridge. This segment will not have the same uses available as the segment upriver near the forest boundary where only wild and native fish will be available.

If the purpose of this bill is to protect this stream from losing its free-flowing nature, then it will be just as well served to set the downriver management limit at the logical boundary of the National Forest only a few miles upstream. Local use and zoning downstream from there will preclude any change in the river's flow.

The second point I wish to make is that this process of making specific management decisions with legislation is much too abreviated to allow development of factual and material information that directly pertains to each watercourse. The basis for inclusion of these waterways is an almost decade old Forest Service inquiry that allowed no appeal, no follow-up by interested parties, no comparison with earlier experience under prior designations under this act. Simply put, this process has leap-frogged every channel for input that other public resource planning requires. There is no imminent threat that requires extraordinary action, and I believe that for such an important set-aside decision, there should be proper and appropriate environmental and economic impact studies undertaken RELATED TO THIS PARTICULAR PROPOSAL. A few public meetings half a dozen years ago do not allow the same level of public comment and appeal that all other public resource management proposals today require.

One of the most important problems this piecemeal kind of legislated management creates is that it does not integrate other adopted federal goals and policies in the review. We have other federal agencies working on a federal energy policy, a minerals policy, and perhaps a water policy, but this process does not require an appropriate integration of these other interests. A truly comprehensive approach is needed to assure balanced results, especially if private lands are to be included.

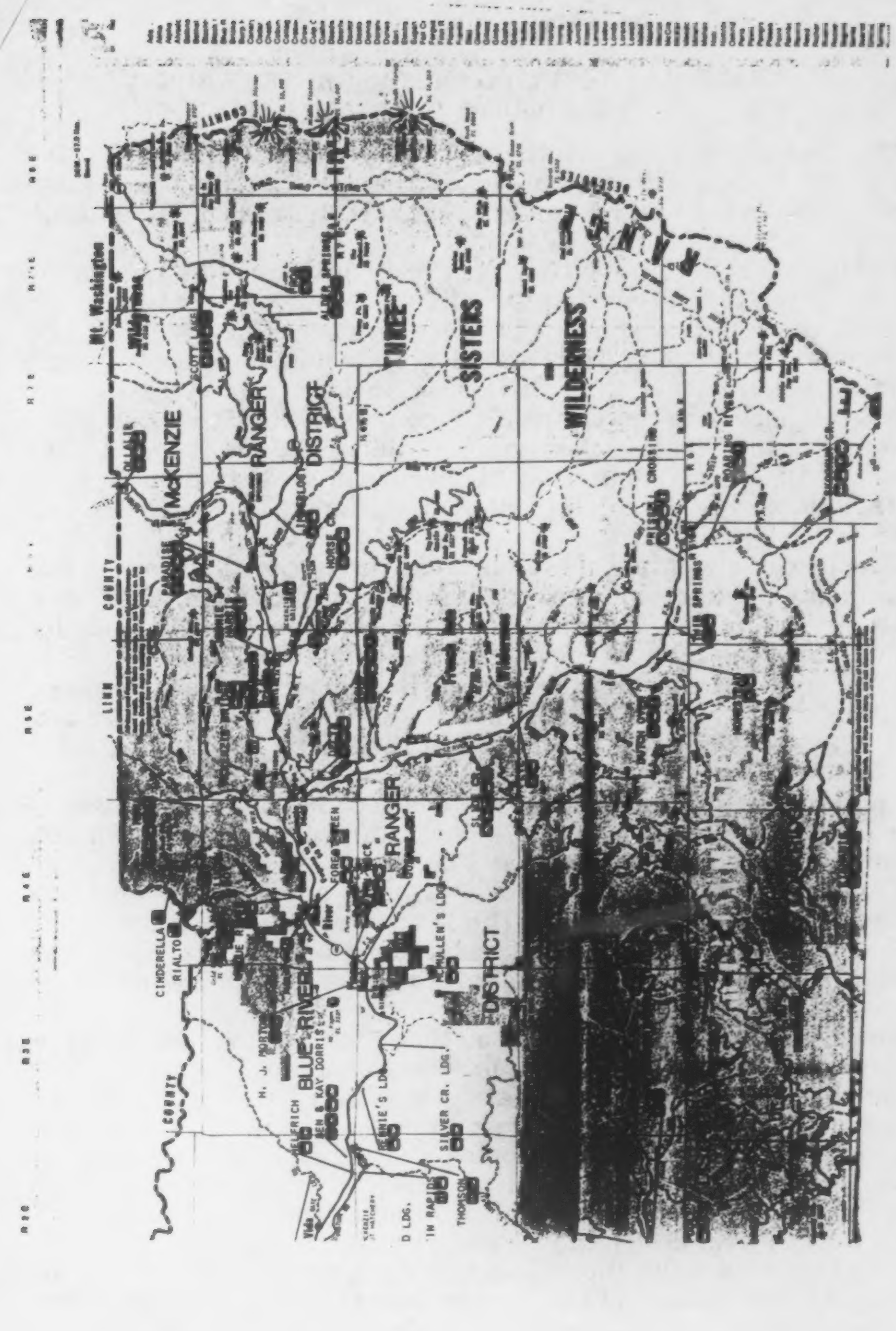
The third point I wish to make is that there should be no ADDITIONS to the list of waterways under consideration in this bill. It has been difficult for many to determine the impact of this bill, especially on private land, even with the advance notice of these hearings. But, many would not even know about new inclusions by the time hearings are held later in Washington. I ask that you make a clear statement that no additions will be considered in this proposal.

I particularly oppose the inclusion of the Opal Creek drainage in this bill. Suggested inclusion is an attempt to do with a heavy federal hand what the State Legislature has twice specifically decided is inappropriate. A comprehensive state agency study and legislative review has already determined this area to be unqualified for special protection. I am aware that many citizens all over the state would like to add a piece of waterway here and there because they know it well, and appreciate it in some personal way. For some, if it is wet and moves in this state, it should be "wild and scenic". Oregon is indeed blessed with abundant natural beauty, but designation under this federal act is to set apart "special" qualities, and we must remember to keep a balance of uses for all Oregon's needs.

In summary, I wish to amend this bill only slightly by setting the downriver limits of designation on the McKenzie mainstem to the boundary of the Willamette National Forest. I request that no additional waterways be added to the bill at this time. And, I urge reconsideration of the process of designating waterways under the Wild and Scenic Rivers Act of 1968 because it does not make a comprehensive review of other national priorities or interests or allow input and appeals required for other public resource management.

I thank you for allowing me to participate in these field hearings, and I would be pleased to supply the subcommittee with any additional information you may request.

CEDRIC L. HAYDEN
State Representative District 38
Oregon Legislative Assembly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H. J. NORTON
BEN & KAY DORRIS
McMULLEN'S LDG.
SILVER CR. LDG.
THOMSON
COUNTY

Senator HATFIELD. Thank you very much.

## STATEMENT OF TOM THROOP, DESCHUTES COUNTY COMMISSION, BEND, OR

Mr. THROOP. Senator Hatfield, Congressman DeFazio, for the record my is Tom Throop, I'm one of three Deschutes County Commissioners, and it's an honor to have you both in town and appreciate the opportunity to testify today.

I believe I reflect the strong sentiment of Deschutes County by thanking you for introducing this bill.

Much appreciation and support here for your efforts to study and provide wild and scenic river status to segments of some 40 Oregon rivers, I believe some 45 in the House, including many east of the Cascades and here in Central Oregon, including the Deschutes River from the Wickiup Dam to its confluence to the Columbia, the Metolius River, including what I believe is an essential amendment to the bill, and that's to designate the section below Bridge 99 as a wild river.

The Upper and Middle Deschutes River is the lifeblood of this arid high desert region. Between Sunriver and the Inn of the Seventh Mountain the Deschutes River Falls through Benham Falls, Dillon Falls, Big Eddie Rapids and Lava Island Falls.

River issues began here in 1983 on the Upper Deschutes when a local irrigation district, along with a joint venture partner, proposed hydropower projects for each of these four outstanding natural features. The Deschutes County and the City of Bend conducted an exhaustive three-year river study, directing the management of the Deschutes River, which was incorporated into our Deschutes County Comprehensive Land Use Plan.

Three or four separate state laws were adopted to stop these projects and others like them. The Deschutes National Forest Plan will call for Federal wild and scenic designation. The Northwest Power Planning Council includes these rivers in its protected areas.

The logical conclusion to all of this work on the Deschutes is Federal designation led by Oregon's congressional delegation.

On the lower Deschutes the state is working well with the parties in trying to manage the river property with some considerable success. The legislature has adopted and updated Lower Deschutes River management objectives three times in recent years. I was in the Oregon House and heavily involved in the first two. It's my view that Federal designation is essential.

Speaking generally, the bill should delegate management to the Park and Rec Division of the Oregon Department of Transportation as long as the state is interested in taking the lead.

The Omnibus bill is right for Oregon, and with your vision and leadership, Senator, a bill will certainly be approved by the Senate.

We're also deeply appreciative of your efforts, Congressman DeFazio, and look forward to success in the House, as well. Please let us know how those in Central Oregon can help with your efforts, and again, thank you for this historic opportunity.

Senator HATFIELD. Thank you, Commissioner.

## STATEMENT OF GARY PANKEY, MAYOR, WALDPORT, OR

Mr. PANKEY. Senator and Representative DeFazio, I'm Gary Pankey from the city of the Waldport. I am representing a group of citizens today who are opposed to the bill pertaining to the Alsea River.

We feel that the majority of the Alsea River system is in agriculture today and it does not fit the scenic and wild river bill; portions of it possibly would.

We feel that the Alsea River, being as it goes to the coast, we presently have many agencies in government that control the quality and the future of the river. Some of these are agencies such as the U.S. Army Corp of Engineers, the DEQ, Division of State Lands, LCDC, U.S. Forest Service, EPA, Port of Alsea, the county and their Building Department, Sanitation Department and the City of Waldport.

All of these agencies mentioned have rules and regulations governing the Alsea and its quality. We feel that we have presently in a majority of the river, enough government input.

Like I said before, the majority of the Alsea is in agriculture. At present, the U.S. Government owns and controls approximately 29 percent of the Alsea. We feel that if the government was to develop their present holdings, manage them, there would be enough public recreation there for this generation and many generations to come.

So I would request that we withdraw the portion of the Alsea River that is presently designated as recreation.

Thank you.

Senator HATFIELD. Thank you, Mayor.

I would only point out that in the criteria protection, based upon the existing character of river, agriculture is a prime factor in the protection of that type of activity. So while it would not be, in effect, in opposition to agriculture, it certainly would be protective of agriculture. I only point that out.

Mr. PANKEY. Well, I guess my point is, if you're familiar with the Alsea, the majority of the lower of it, it really, I guess, is beyond wild and scenic.

Senator HATFIELD. Thank you, Mayor, very much for your testimony.

## STATEMENT OF CRAIG COYNER, III, BEND CITY COUNCIL COMMISSIONER, BEND, OR

Mr. COYNER. Senator Hatfield, Congressman DeFazio, I'm Craig Coyner, III, I'm City Commissioner from the City of Bend, I'm one of seven city commissioners that operate this city and we, too, thank you for coming to our town.

Sitting here within a few feet of us is what Commissioner Throop and the rest of us think of as our lifeblood, which is the Deschutes River.

We think so much of this when we sprung away from Wasco County in the—which was part of Crook County, and all that earlier in the century, we named this county the Deschutes, so that is how important it is to us as to our quality of life.

It is—I'm going to be a little more simplistic than the other gentleman and the lady that have spoken so far. The Deschutes River and everything that goes with it is just as important to our life as our blue sky, which we have an abundance of this morning.

In your opening introduction to the Senate, you talked about the rivers as the arteries of the world. Well, we've known that long in Central Oregon. We've used it for irrigation, we've used it to float logs in, and now we're using it for a mix of all that with tourism, recreation, as you would have it.

It is funny—not so funny at all, your bill, the primary focus is to basically keep the flow as is, in other words, to stop dams. It's funny that years—not that many years ago, shortly in the past, the enactment of the law which allows people to simply drop a dam in place in a free-flowing river, much like somebody putting a mining claim in the middle of the wilderness area, those are still on our books. Those things are something that can awake and shock a whole community, as it did here. We rallied together and said wait a minute now, this is our life up here, this is our beauty, and the City of Bend, the County and the State banded together to say, hey, if we're going to have dams let's make sure that they one, pay their way, and they don't detract from our environment.

So, I'm more here to say that as a member of the City Commission we are a resource to you, we've done a lot of our homework in the past, we think that your bill makes absolutely beautiful sense as regards the Upper Deschutes and again, that's been said, thank you for this historic occasion.

Thank you.

Senator HATFIELD. Thank you, Commissioner.

### STATEMENT OF DICK HOPPES, JUDGE, CROOK COUNTY, OR

Mr. HOPPES. Good morning, Senator Hatfield, welcome to frosty but sunny Central Oregon; Congressman DeFazio.

My name is Dick Hoppes, I'm the County Judge in Crook County. I've known you, Senator, for probably 45 years, and I didn't realize you ever played the clarinet when you were in high school, even though I went to the same high school.

Senator HATFIELD. I think that's the most important thing coming out of this hearing this morning.

Mr. HOPPES. Senator, I'm here on behalf of the Crook County Court and several of the citizens of Crook County who are concerned about the inclusion of the North and South Forks of the Crooked River into the Wild and Scenic Rivers Act.

The Crook County Court is supportive of the Wild and Scenic Rivers Act, we're supportive of inclusion of the rivers and miles of rivers into that act. We are not supportive of including the North and South Forks of the Crooked River.

Rather than have you absorb a great deal of repetitive rhetoric and information into this, the court has adopted, for many of their findings for the reasons in objecting to that inclusion, the report you have received from LaSelle Coles. LaSelle Coles for 43 years was the manager of the Ochoco Irrigation District. He is, in our opinion, one of the foremost experts on water resources in the entire state of Oregon.

An addendum to his testimony, some of the things we are concerned about in regard to your remark about the protection of agriculture, we're a little concerned about the overzealousness sometimes of those who would lock up things forever and ever and in perpetuity and even after that, to continue to apply for addendums to the bill that's enacted to make things stricter and less convenient and more difficult to operate agricultural enterprises, particularly in areas like the North and South Fork of the Crooked River, which, if you compare it to the Deschutes, the John Day, the McKenzie, the Umpqua, the Rogue and rivers of that magnitude, why, is little more than an oversized creek, and in the late summer, it gets down to where the water flow is described by the Forest Service report, has insufficient water to establish fisheries or anything in those upper reaches.

The best stretch of the Crooked River is below the Prineville Dam where it does have a steady flow and where it does have some aesthetic and scenic value down through the Palisades area, mostly all on Bureau of Land Management land.

I think probably, according to the Forest Service report showing insufficient water in most of the areas of the upper reaches of the Crooked River, and showing that they can't establish fisheries in most parts of it, there is about an eight-mile stretch identified through national forest land that has some scenic value.

I don't think we would object to those areas, although in testimony I'm going to say that basically the management of the North and South Forks of the Crooked River under the Bureau of Rec—or Bureau of Land Management and the U.S. Forest Service, has more than been adequate, has continued to—is continuing to be managed properly and appropriately, and we'd like to see those—that North and South Fork excluded from inclusion into the bill.

Thank you.

[The prepared statement of Mr. Hoppes follows:]

# TESTIMONY OF THE HONORABLE DICK HOPPES

## S. 2148

RE: Testimony in opposition to the inclusion of the North and South Forks of the Crooked River into the Wild and Scenic Rivers Act through S. 2148.

My name is Dick Hoppes, I serve as County Judge in Crook County, Oregon. Following extensive review and discussion the Crook County Court signified its opposition to the inclusion of the North and South Forks of the Crooked River into the Wild and Scenic Rivers Act under S. 2148.

Rather than have you absorb a great deal of repetitive rhetoric the Court would refer you to the testimony of Mr. LaSelle Coles who, in our considered opinion, is one of the foremost experts on water use and resource in the State of Oregon.

As addendum to his testimony the Court is only concerned with whether the North and South Forks of the Crooked River meet the criteria necessary for inclusion, and more specifically the potential long range detrimental and harmful effects which inclusion may create for the owners of the private lands through which they flow.

For instance, during light water flows in mid to late summer, those with adjudicated water rights divert water through channeling and by use of temporary dams. Would this use continue to be guaranteed with inclusion in the Wild and Scenic Rivers system? Also during years of heavy spring run off, ranchers have had to follow with rip-rap to stop erosion of irrigated fields vital to their agricultural operation. Would this still be allowed under inclusion?

Nothing of the nature of the North and South Forks should allow them to be included in S. 2148 when the forces to classify them will be consistently seeking further restrictive legislation to abort the needs of the rancher to properly manage his land.

A U.S. Forest Service study indicates that most parts of the rivers will not sustain fisheries because of insufficient water.

The County Court is supportive of the Wild and Scenic Rivers Act. We are, however, in opposition to over stepping the boundaries of reason in applying that act to areas not conducive to its application. It would be ludicrous to compare the North and South forks of the Crooked River to the Deschutes, the McKenzie, the Rogue or other rivers of that magnitude.

We also feel that the management and protection of the Crooked river and its adjacent land areas is being appropriately managed by the U.S. Forest Service and the Bureau of Land Management.

Thank you for your attention and courtesy.

Sincerely,

Dick Hoppes

Dick Hoppes, Judge

Senator **Hatfield**. Thank you. We're very happy to have had all the officials here today and appreciate very much having you testify.

Second panel, Mr. Bob Doppelt, Mr. Paul Dewey, Mr. John Dotson, Mr. James Mann, Mr. Larry Tuttle and Mr. Cal Brantley.

Mr. Doppelt.

## STATEMENT OF BOB DOPPELT, OREGON RIVERS COUNCIL, EUGENE, OR

Mr. **Doppelt**. Good morning Senator, and Congressman DeFazio and staff. I'm Bob Doppelt, President of the Board of the Oregon Rivers Council. I want to take this opportunity to thank you again, Senator, for introducing S. 2148, which could become, if passed in a substantive matter, an absolute historic state and national river planning and protection bill.

How could this be a landmark bill? It could be a landmark bill if it successfully addresses Oregon's threatened and outstanding rivers. Most often threatened rivers mean controversial rivers as the competing demands on those rivers which threaten its health and integrity which also might cry loudly, when changes in those practices are suggested. You may hear some of those protests today.

You may hear people say to leave their river alone, it's okay as it is. In fact, some rivers are okay, yet it's clear that all in all, Oregon's rivers are in danger today and it would be a landmark step to say that we need to change the way we are managing rivers in Oregon.

You may also hear, Senator, concerns from private landowners today, about the impact of designation on their land. The ORC appreciates those concerns and holds those concerns also.

The ORC would support a bill that clearly eliminates the possibility of condemnation on any river such as the Alsea, John Day, the Little Deschutes or Metolius, where this could be a concern.

You might also hear concern, Senator, that wild and scenic designation means more government control and loss of local control through designation. Please remember that there are many ways to write a bill to address these concerns.

For instance, a cooperative co-management agreement between the local community and Federal agencies can be established, as has been done in the Wildcat River Bill in New Hampshire, S. 1914.

This arrangement gives local communities more control over the management of the river than they may have ever had before. It is also possible under section 10 E of the act to give the state of the Oregon cooperative management authority to manage access issues to the river, and the ORC supports these kind of arrangements.

Senator, you may also hear concerns today about the potential impacts on water rights and irrigation. Please remember that the act clearly states that no water rights are affected by designation, nor is there any right of condemnation for water rights.

There may be concerns raised about the ability to use a river and walk over the land near a river. Again, this is not true. There are only five wild and scenic rivers that are permitted for noncommercial use in the country, and all of those were done in the early 70's. So the permitting of rivers is not something that's normally done any more and if it is done it's usually done on rivers where long overnight river trips are possible.

Finally, Senator, because my three minutes are quick—coming up quicker than I thought, I'd like to close with a comment by Herbert Hoover in an article called "Let's Go Fishing."

He wrote that—these are excerpts from the article:

> More people have gone fishing over the centuries than any other form of human recreation. The human animal originally came from the outdoors. When spring begins to move in his bones, he just might get out again.
>
> Moreover, in civilization, cement pavements, office buildings and radios have overwhelmed us. The need for regeneration has increased and the impulses are even stronger.
>
> It's a chance to wash one's soul with pure air, with the rush of the brook, with the shimmer of the sun on the blue water. Nor is it the fish that we get that counts, they can be had in the market for mere silver. It is the break of the waves of the sun, the contemplation of the eternal flow of the stream. The stretch of the forest and mountain and their manifestation of the Maker that soothes our troubles, shames our wickedness and inspires us to esteem our fellow men, especially other fishermen.

Senator, those things are still true today and we appreciate your support.

[The prepared statement of Mr. Doppelt follows:]

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THE OREGON RIVERS COUNCIL
"Oregon Rivers Comeback"

*Celilo Falls inundated by The Dalles Dam, Columbia River, 1956.*

TESTIMONY FOR BEND FIELD HEARING, MAY 30, 1988

Presented by Bob Doppelt, President of the Board

Good morning Senator Hatfield and staff.
The ORC wishes to thank you once again for taking the bold step to introduce S 2148 which could become, if passed in a substantive manner, an historic state and national river planning and protection bill.

What could make this a substantive and therefore landmark bill?

It should successfully address Oregon's threatened rivers. It must include more than just "safe" rivers. Most often, threatened rivers mean controversial rivers as the competing demands on the river which threaten its health and integrity may also scream loudly when changes in current practices are suggested.

You may hear some of those protests today. You may hear people say to leave'their'river alone, its OK as it is. Yet its clear that this is not true. Oregon's rivers are endangered. Thirteen of the 18 drainage basins in the state do not meet DEQ water quality standards. Eighty percent of our fisheries are now produced by hatcheries. Only 20% of native production remains. Over 3500 miles of anadromous fish habitat has been destroyed. The miles available for scenic boating recreation are quickly shrinking. As they are eliminated, the remaining miles become more crowded and conflicts brew.

It would be a landmark step to state that indeed our rivers are not OK and that change IS necessary, by sucessfully addressing Oregon's threatened rivers in this bill.

Senator, you may also hear concerns from private land owners today. The ORC appreciates those concerns. We hope that everyone will recieve accurate information about the actual affect of designation in a timely fashion. Only accurate data can really address those concerns. The ORC has no desire to see anyone's land taken away. We support a bill that clearly states this and we support writing the bill to eliminate any possibility of condemnation on any river such as the Alsea, Little Deschutes or Metolious where this could be a concern.

When you hear those concerns however, please keep in mind that the Wild and Scenic Rivers Act has minimal impacts on private lands and more land owner protection written into it than almost any other federal land conservation act. Our preliminary data indicates that less than 2% of the total acreage in National Wild and Scenic river corridors nationally has ever been acquired and less than 1/10 th of one percent of that land was acquired by condemnation, almost all of that in the early years of the program. The data enclosed supports this statement.

You may also hear concerns from local communities about more government control and loss of local control through designation. Please remember that there are many ways to write a bill per river and address those local concerns. For example, it is possible to establish a cooperative co-management agreement between the local community and the federal agencies as has been done in the Wildcat river bill in New Hampshire, S 1914, which I submit into the record. This arrangement may give local communities more control over the management of the river than ever existed before. It is also possible under Section 10(e) of the act to give the State of Oregon cooperative management authority to manage'access'issues such as may be important on the Deschutes and other rivers. The ORC supports these types of agreements. The focus should not be to simply let the federal government manage sections of Oregon's rivers. The focus should be to get a directive from Congress, which is not an administrative decision but a congressional mandate, to protect and maintain the rivers. On the ground management can be addressed in many different ways.

Senator, you may also hear concerns about the potential impacts on water rights and irrigation. Please remember that the Act clearly states that NO existing water rights are affected by designation and that should a minimum stream flow be set in the designated area, it is then junior to all those set before that date. The water rights issue has come up in other states dealing with Wild and Scenic designations and it always has proved to be a non-issue in real, on the ground water use terms. This issue is a red herring.

You may also hear concerns that if designated, people may have to obtain permits to walk on the land or use the river. Again, while these are reasonable concerns to hold until the correct information is known, in fact this is not true. The National Organization for River Sports, an organization opposed to permitting rivers states that there are very few permitted rivers in the country and almost all are in areas where multiple day river trips are possible. Only 5 Wild and Scenic rivers are permitted for non-commercial use out of the 75 total Wild and Scenic rivers. No Wild and Scenic rivers have been permitted for non-commercial use since the 70's.

You may hear concerns that if a river is designated, use will grow. Our data, gathered from federal agencies indicates clearly that river use grows commensurate with the states population growth rate. There is no connection between designation and increased use. Use will grow on Wild and Scenic rivers in the projected 1.3% Oregon population growth rate except for these potential influences: 1)There is a change in the expected state growth rate 2)Proximity to urban areas. Those near large cities may grow in use faster, 3) Loss of other opportunities for river recreation. If we lose more rivers, others will see increased use. 4)A change in general recreation trends. 5) A great technological improvement in equipment. 6) The development of facilities. If you build campgrounds, improve access etc., use may increase and, 7) River promotion. If the river is promoted by the managing agency, local community or an industry group, use may grow. These facts are true for ANY RIVER however. If the river is near a major city, and facilities are built and it is promoted, use will grow. If you do not do these things, use will grow as the population increases. There is no connection bewteen increased use and designation. This has been the case nationally.

Finally, you may hear concerns about the timber impacts of the bill. I believe the Forest Service's initial assessment indicates about a 4 million board foot impact yearly. Our own preliminary data comes in close to this also. However, even if these assessments are off by two fold, this would still be a small impact and a reasonable trade off to make for protecting the modest 1800 miles of river in the bills.

Senator, if this bill sucessfully adresses these issues and protects Oregon's threatened rivers, it will be a bill of historic proportions.

I want to close with a quote by Herbert Hoover, who as you know grew up in Oregon and was an avid fisherman. In an article called "Lets go Fishing' Hoover stated:

"More people have gone fishing over the centuries than any other form of human recreation.""The human animal originally came from the outdoors. When spring begins to move in his bones, he just must get out again.""Moreover, as civilization, cement pavements, office buildings and radios have overwhelmed us, the need for regeneration has increased and the impulses are even stronger.""It is the chance to wash ones soul with pure air, with the rush of the brook, or with the simmer of the sun on blue water.""Nor is it the fish we get that counts, for they can be had in the market for mere silver.It is the break of the waves in the sun, the contemplation of the eternal flow of the stream, the stretch of forest and mountain in their manifestation of the Maker, that soothes our troubles, shames our wickidness and inspires us to esteem our fellow men-especially other fishermen".

Senator, those opportunities are quickly being eradicated in Oregon and floating rivers was not even popular then. Your bill could change all this and allow the memories of Herbert Hoover to remain part of Oregon's heritage.

Senator **Hatfield**. I let you go over because you were quoting one of my favorite presidents.

Mr. **Doppelt**. Thank you.

Senator **Hatfield**. Otherwise you would have had the gavel on the red light.

## STATEMENT OF PAUL DEWEY, SISTERS FOREST PLANNING COMMITTEE, SISTERS, OR

Mr. **Dewey**. Thank you, Senator Hatfield and Congressman DeFazio.

My name is Paul Dewey, I'm the president of the Sisters Forest Planning Committee. Our directors and advisory group include the Mayor of Sisters, the president of the Sisters Chamber of Commerce, the president of the Metolius Recreation Association, a Deschutes County Commissioner, Deschutes County Planning Commissioner, Sisters Planning Commissioner, the President of the Eastern Oregon Appaloosa Association and members of the Saddle Club, Women's Oregon Trail Riders, the Oregon Hunters Association. We're a broad-based group.

Senator **Hatfield**. Nobody left in the county.

Mr. **Dewey**. Well, the Arabian Horse Club, but we're getting one.

I'm here today to speak about the Sisters District. We have two rivers, the Metolius and a river that's not on your list so far, and that's why I appreciate it's a discussion bill, it's called Squaw Creek.

This afternoon you'll be going to Sisters, and I think what you'll note is how much we've been growing lately. We have a new hotel and it has plans for expansion. For many years Sisters has been a drive-by for people on their way to Bend and other places in Central Oregon, and we're now developing into a destination in our own right.

It's imperative that we keep the two main resources that we have on the Sisters District, and that's the Metolius and Squaw Creek. Other people will be speaking about the Metolius, so I would like to concentrate on Squaw Creek and give you a little bit of history.

In 1985 there were two hydrodevelopments planned, not by people in Central Oregon, people in other parts of the state, other parts of the country, wanting to come in and build two dams on a river. The Sister City Council, Sister Chamber of Commerce, fought very hard and were successful with Tom Throop's help, in stopping that. But unfortunately, they stopped it just on the statewide basis, and that's why we need your wild and scenic protection—actually scenic protection for Squaw Creek to stop yet another hydrodevelopment that is planned for Squaw Creek.

The creek is only four miles away from—actually it runs through town, but there's an old Indian cave, hunting cave, we just found a bald eagle's nest last week. It's only four miles away on paved road, and we need these kinds of attractions to keep Sisters developing. We can't have people damming Squaw Creek and running the river through a pipe, it's just not going to bring—bring the tourists that we need for the area.

So we very much appreciate this bill and we hope that—we're going to give you a detailed breakdown of what we want for Squaw Creek, it's above irrigation, it's not going to affect anyone other than the Federal Government because it's all Forest Service, and we're going to give a detailed breakdown, so we would appreciate your consideration.

Thank you very much.

Senator **Hatfield**. Thank you very much. Next.

### STATEMENT OF JOHN DOTSON, OREGON AUDUBON SOCIETY, BEND, OR

Mr. **Dotson**. Good morning, Senator Hatfield, Congressman DeFazio.

My name is John Dotson, I represent—here on behalf of the Central Oregon Audubon Society; at over 400 members, perhaps one of the largest conservation groups representing people in the east part of the state of Oregon.

Our members sincerely appreciate both of you attending and bringing the hearing to our community, and particularly Senator Hatfield, we appreciate your foresight in conceiving of and sponsoring this Senate bill to designate wild and scenic rivers in the state.

Speaking on behalf of our membership, I wholeheartedly encourage you to continue to work for a designation of these rivers, and also you will hear a number of testimonies this morning and coming up later, some unique kind of support which I have sensed occurs in the Eastern part of the state, what a lot of us call "the other Oregon," in that having spent nearly—well, the first part of my life living in the Willamette Valley and having lived in Bend and Deschutes County for over 15 years, I have become aware of a unique coalition, I might say, between the economic community and the conservation community, in that the designation of wild and scenic rivers will not only increase the wildlife habitat, not only birds, but all of the other things that you will hear about today, but also has a very positive impact on the tourism, which has become a very strong staple for our economy here in Central Oregon.

Just kind of looking at it from both of those perspectives, I strongly encourage the support and designation of the rivers, and I would like to particularly call attention to Squaw Creek, which is quite important to us living in Deschutes County, we feel that it definitely qualifies for a designation under the bill.

Again, I thank you for the opportunity to speak here.

Senator **Hatfield**. Thank you.

### STATEMENT OF LARRY TUTTLE, BEND, OR

Mr. **Tuttle**. Good morning, Senator, Congressman DeFazio. My name is Larry Tuttle.

Thank you for coming to Deschutes County, and I want to publicly thank you at this time for assisting Deschutes County. At the time I was county commissioner and trying to make some sense out of some of the projects that were going to be built on the Upper Deschutes River, and even though our own particular situation has reached interim successful conclusion, certainly not all the issues have been resolved, and I think a bill of your type begins to address many of the issues and provide the certainty to the communities at risk.

That is my message today, that certainty is the outcome of your proposal, and I very much support your proposal for that reason. At least in the sense of the hydroelectric development that's been proposed throughout this state, FERC has not yet reached the horizon of valuation where it can accurately consider wild, scenic and recreational values in its final conclusion, and I think that's the reason why we need a bill of this type.

I'll also reach a step back just a few minutes and ask you to at least consider in final consideration, the Klamath River as part of the bill. Obviously the Klamath River is in the FERC process now, which creates some difficulties and some confusion.

But as a frequent visitor to Klamath County over the last three years, the conflicts that I hear still revolve around the scenic and recreational values of the river, are there those scenic and recreational values that qualify it as a type of river to be included in a bill such as yours or is it to be industrialized.

In analyzing the Deschutes—or excuse me, the Klamath River under the test of the wild, scenic and recreational consideration, in my view, would do a great deal to bring that long and convoluted and oftentime contentious process to a reasonable conclusion. So I would at least ask you to hold that open in your final consideration of the bill.

Public opinion, in my view of the Klamath County, has clearly swung away—has swung away from support from the wild and scenic—excuse me—Salt Caves project, which is obviously the focus of what's going on in Klamath County.

The second issue I'd just like to mention briefly, and would concur with your evaluation, that as I've traveled throughout Eastern Oregon over the last several months, the concern over confiscation of private land is obviously the uppermost topic in people's mind.

My reading of the act and of the types of rivers and patterns of ownership on the rivers does not, in my view, constitute that threat, but if I and others can be of help in making that information available to the communities, I would think that's the highest risk that we have in not having support for the bill.

Certainly our polling that we have done and other information that we have gathered in our travels have indicated that on balance, there is widespread support for Omnibus river legislation in the state.

Senator **Hatfield**. Thank you very much.

## STATEMENT OF CAL BRANTLEY, BEND, OR

Mr. **Brantley**. My name is Cal Brantley, I'm here to represent those of us who have retired to enjoy the varied recreational activities available in the state of Oregon.

A recent study by Deschutes United Way has shown the single largest amount of money available to the economy of Central Oregon is that earned by retired people living on the results of their previous earnings.

Although many of us retirees have lived here for a short time, we soon walk through the forest talking about our environment. We join the Audubon Society, the Native Plant Society, the Fishing and Hunting Organization and the skiing and hiking groups. We write letters to your office to let you know our feelings about the environment and the future of Oregon. And we worry about the conflicts between these environmental views and the necessity for economic growth of this area.

Two conflicts particularly concern us; that between the ranching industry and that with the timber industry and in the protection of our rivers.

We believe that the bill that you have—bills, I should say, for both of you have put in, will help remove some of the uncertainty about what these—what rivers are available for what purposes, for recreation versus industry.

In addition, for several months I have been trying to find literature on plant communities and plant species of the riparian areas of Central Oregon.

The one document that I have found is not available to me because it has been withdrawn for revisions by the demands of the ranching interests. Other studies have been carried out but not evaluated. Others are promised.

To me, this suggests continued destruction of our rivers could leave us with no proof of the value of what we have destroyed. Your bill could help hold some of that habitat, give us time to show that it has value, as well as beauty.

Although all people value rivers, only in a desert area, such as Central and Eastern Oregon, do rivers play such a vital part in our economic health, as well as provide recreation, contribute to public health, and provide the contrasting beauty that enhances our lovely desert. The bill that is being discussed today would go far to keep these contributions in balance.

Thank you.

Senator **Hatfield**. Thank you very much. Thank you all, gentlemen.

Now we'll invite the third panel: Mr. Doug Breese, Mr. Ken Alexander, Mr. Kevin Campbell, Mr. LaSelle Coles.

All right. You may begin.

## STATEMENT OF KEN ALEXANDER, BURNT RIVER IRRIGATION DISTRICT, HEREFORD, OR

Mr. **Alexander**. Thank you, Mr. Hatfield.

I'm Ken Alexander, I'm from the Burnt River Irrigation District in Eastern Oregon, which I doubt too many people in here have heard of.

I'm here in the capacity of the manager of the Burnt River District. The Burnt River Board of Directors is submitting for testimony some petitions to assure you that they speak for their members and emphasize the concerns of the local residents over putting the Burnt River into this bill.

On my way over here—I was driving for four hours, and it occurred to me that in the three minutes I have allotted, I probably won't be able to explain very much about the irrigation district's concerns on this river, which includes the water quality, the lack of water in the summertime.

There's hydrological records that indicate there's no flows in the segment you've proposed for periods of one to three months before the construction of Unity Dam, which was built by irrigators for irrigation, and there's a great deal of concern that in this process, Burnt River will get put into this bill without ever having a fair hearing or chance to have the local concerns brought out in depth.

When you submit written testimony—of course I'm not an expert at writing, I've done the best I can with what I'm submitting, but what I don't understand, what you don't understand of how the river works over there; I don't know what to tell you.

When—like I say, the river dries up for periods of one to three months before the construction of the Unity Dam, which provides storage water. The Burnt River needs more storage on the river in order to properly control and regulate the waters, and if this bill is passed, of course, that will be foreclosed.

The other—I guess what I'm trying to say is, stored water has provided the bulk of the recreation potential in Burnt River. All of the water-related recreation is provided by Unity Reservoir over there, and the irrigators are concerned that putting this in will foreclose their future ability to regulate the irrigation.

Like I say, written testimony doesn't allow me the chance to really respond to what your questions might be, although I thank you for this opportunity to do the best I can with the limited amount of time available.

Thank you.

[The prepared statement of Mr. Alexander follows:]

MAY 30, 1988 BEND, OREGON

Public Hearing on:

S. 2148
"OMNIBUS OREGON WILD AND SCENIC RIVERS ACT OF 1988".

## INTRODUCTION AND PETITIONS

My name is Ken Alexander. I am here in my capacity as manager of the Burnt River Irrigation District which holds the great majority of the water rights on the Burnt River below Unity Dam through certificates and permits granted by the Oregon Water Resources Dept.

Unity Dam is a Bureau of Reclamation project initiated in 1935, and the Burnt River Irrigation District is charged with management and control of the storage water of the Dam. Although the project was initiated primarily for irrigation purposes, development of Unity Dam has greatly enhanced the wildlife and recreational potential of the Burnt River.

A segment of the River-being from Clark's Creek near Bridgeport to Powell Creek near Durkee- is proposed for inclusion in the "Omnibus Oregon Wild and Scenic River Act of 1988", S.B. 2148.

To assure the committee that the Board of Directors speaks for its members and to emphasize the concern of all local residents, I am submitting with this testimony, a petition in opposition to the inclusion of any segment of the Burnt River in this legislation signed by members and citizens from various occupations and perspectives: landowners, students, teachers, retirees, businessmen, farmers, and ranchers, just to name a few.

# S.2148
# "OMNIBUS OREGON WILD AND SCENIC RIVERS ACT OF 1988"

Testimony by Ken Alexander, Mgr.
Burnt River Irrigation District

BURNT, OREGON--S. 2148 Page 21, lines 5-7--The sixteen-mile segment (incorrectly identified as a thirty-two-mile segment) from Clarks Creek to Powell Creek as a recreational river; to be administered by the Secretary of the Interior.

The Burnt River Irrigation District, both through its members and board of Directors is strongly opposed to the inclusion of any segment of the Burnt River within the provisions of S.B. 2148. Including the Burnt River in the Wild and Scenic Rivers Act would not be in the best interests of the public.

Burnt River, like many streams in Eastern Oregon, floods during Spring runoff. After the snow has melted, there is very little natural flow in Burnt River. People who lived in the area before the construction of Unity Dam recall that Burnt River often dried up and was nothing but stagnant pools. Hydrological records verify that before Unity reservoir was built, Burnt River had periods of 1 to 3 months of no flows in the "recreational" segment proposed by this Bill. Therefore, the "river" for much of the year is nothing more than fully regulated irrigation releases from Unity Dam's upstream storage.

Unity Dam was built as a Bureau of Reclamation project in the late 30's. Over 19,000 acres now enjoy the benefits of stored water for irrigation where before there was very little water except during Spring floods. The total cost of construction of Unity Dam was paid for by the irrigated lands. However, as a side-effect, many benefits to fish, game, and recreation have resulted. The storage water of Unity reservoir is the main source of all water-related recreation on Burnt River. The irrigated fields also provide habitat and feed for a large big game population that was not possible before water was stored for irrigation. The stored water is of vital importance to both recreation and agriculture on the Burnt River.

At present, there is insufficient storage space on Burnt River to capture even half of the average annual flow of 61,000 acre feet, the bulk of which comes in the Spring. Without Unity Dam, there would be little or no streamflow in the proposed segment after the Spring runoff. A "recreational" designation on this river segment would prevent construction of any future impoundments. This is contrary to plans of the District for a dam at the Dark Canyon site, which is within the proposed segment. The Burnt River Irrigation District has already purchased the private land necessary for the dam and feels that construction of a second dam within this system would not only benefit farmers and ranchers but all potential water users. The State of Oregon and the Federal Government offer considerable protection to the environment through many agencies. Before a dam is ever built on this site, the environmental impact of the dam and its benefits will be carefully evaluated under existing laws and regulations.

The District questions that any segment of the Burnt River falls within the purpose to be served by the Wild and Scenic Rivers Act. The recreational use along the Burnt River is somewhat limited by natural reasons, including the fact that the water temperature in this segment is too high to support much of a fishery resource (except trash fish). The proposed designation of this segment as "recreational" would be misleading to the public. It seems obvious a river segment designated "recreational" should at least have the potential for providing fishable and swimmable waters. This particular segment of Burnt River does not have this potential now, and it could not be achieved without great cost. Since virtually all of the water is from storage, the water temperature increases as the summer progresses. Because of limited storage capacity, it is necessary to regulate the storage releases to provide only enough water for irrigation demand. By the time the water reaches this segment of Burnt River it has been diverted many times for irrigation of over 16,000 acres. It is unrealistic to expect that the standard of water quality which would be required by this law could be met in this segment without either a drastic reduction of present irrigation or a great increase in present storage capacity to serve present irrigation needs as well as provide water for the new proposed uses.

The road along this proposed "recreational" segment is a narrow, dusty, gravel road with several blind corners. There are few opportunities for the public to get off the road, and safety problems will be created by vehicles parked in the road. This route is a vital link between upper Burnt River and lower Burnt River. The attraction of people unfamiliar with the road to this area is likely to prove hazardous. And if it becomes necessary to limit motorized travel as suggested by this legislation, there will be a negative impact on the local population who would have to travel over 40 miles to go around the "recreational" segment.

Historically, this river segment has been important for mineral resources, and mining claims and workings are evident from one end of the segment to the other. Careful consideration should be given before curtailing the regulated exploration and development of the mineral resources in this area.

Since the BLM report on the Burnt River segment has not been completed yet, the "outstanding remarkable value" required for inclusion of the river in S.B. 2148 has not been identified. While it is true that several reaches of the river in this segment have scenic beauty because of the rugged rocks rising steeply from the road, this does not meet the standards the public should demand for inclusion of a river in the National Wild and Scenic river system.

In summary the Burnt River Irrigation District believes it would be a serious mistake to include any part of the Burnt River in this Act. If this segment is designated "recreational", the potential public benefits of irrigation, recreation, and improved water quality provided by stored water will be lost. Recovery of potential mineral resources will be lost. The water in the river is provided by a storage dam built by and for irrigation. The benefits to be gained by the proposed designation are extremely limited. Further, the protection against shoreline development offered by the "recreational" designation of this bill is actually unnecessary since most of the land is Federally owned. It is currently being regulated and managed by such agencies as the Bureau of Land Management, Soil Conservation Service, Department of Environmental Quality, Oregon Department of Geology, Oregon Division of State Lands, Land Conservation and Development Commission, Oregon Dept. of Fish and Game, and others. These agencies and Laws now in effect already provide more than adequate protection for the environment and other concerns that would be served by this new legislation. The Public's interest would best be served by dropping the Burnt River segment from S. 2148.

Respectfully submitted by:

Ken Alexander

Ken Alexander, Mgr.
Burnt River Irrigation Dist.
Unity Dam
Hereford, OR 97837

Senator **Hatfield**. Mr. Alexander, let me take this moment to interrupt the proceedings, merely to say that these hearings are not exclusive in terms of our gathering information or welcoming information, and if there is additional information you think would be of help to our committee, I have an office both in Portland and in Salem, and the staff in Washington as well will be coming out here to deal with individual problems like you have brought up here.

We're happy to continue our information-gathering process beyond just these hearings. These are not exclusively the opportunities the people of Oregon will have to involve themselves and to give us information.

Mr. **Alexander**. I appreciate that. Now, I'm the sole employee of the irrigation district; I need to be back there right now. I don't have the time, there's no one in the irrigation district that has the time to sit down and dig out the kind of information that you need.

And I realize that you rely on things like the Fish and Wildlife Department, the BLM, and these other reports as your source of information. I'm also aware that the BLM and the Forest Service and the Fish and Wildlife have a lot of misinformation about Burnt River in their records.

Senator **Hatfield**. We'll be very happy to have Mr. Salsgiver come up. If Sunday is your day off on occasion, he can sit down and visit with you.

Mr. **Alexander**. I would welcome the opportunity to have a conversation.

Senator **Hatfield**. We will also alert the BLM and the Forest Service and the other Federal agency that we want them to come in here and discuss this with you and give you their viewpoint and you can share your viewpoint with them.

We have all kinds of possibilities to continue on our information-gathering, and I want that to be understood by everyone. There's a follow-up that we have to have—you have alerted us now to a very important issue, and we want to follow up to get the best of your viewpoints and the best of other viewpoints.

Mr. **Alexander**. Thank you, Senator Hatfield.

## STATEMENT OF KEVIN CAMPBELL, JOHN DAY BASIN COUNCIL, KIMBERLY, OR

Mr. **Campbell**. Good morning. My name is Kevin Campbell, I'm the owner of the only retail business in the small town of Kimberly, which is truly the heart of the John Day Basin.

I come to you in my capacity as vice chairman of the John Day Basin Council and the Chairman of the Salt Water Conservation District.

I guess I would probably be remiss in not bringing up a point from your past, Senator, since it seems the vogue thing to do. I was in the 7th grade when you came to speak to Monument High School in the early 1960's.

Senator **Hatfield**. I'm not so sure that should be brought up.

Mr. **Campbell**. You were our friend—due to the fact it was the last time a governor came to Monument, I think it's significant. You were our friend then and I hope that you can be our friend now.

Senator **Hatfield**. I am.

Mr. **Campbell**. As a member of the John Day Basin Council, I've worked diligently, and on my own time, along with a number of other people, to develop a comprehensive plan for the John Day basin. To consider the basin as a whole, to consider all the products of the basin as a whole, and to consider all the uses of the basin as a whole.

It was a novel step for the State of Oregon to bring all the agencies involved together to the same table with the citizens of the basin and to consider the uses and the products of the basin and the salvation or the solution of the problems as a result of comprehensive planning. The key word being comprehensive.

The state invested approximately two million dollars in the plan, we had fifty thousand dollars to work with with implementation money.

From that fifty thousand dollars, the citizens of the basin have done our best to implement that plan. The Governor's Watershed Enhancement Board was created this past legislative session with a $500,000 allocation. 125,000 of those dollars went to Soil and Water Conservation Districts in Grant and Wheeler Counties; we are implementing the plan. We hope that that will show a million dollars worth of watershed enhancement to the John Day basin.

The reason I come to you today is, as oftentimes considered by the residents of a basin, that legislation such as this is a penalty for doing things wrong, and not a reward for doing things right.

I have with me a petition signed by two hundred seventy-five people from the communities of Spray, Monument and Kimberly, populations one hundred twenty-five, one hundred twenty and five, respectively.

This petition says they're opposed to the wild and scenic river legislation on the John Day River, they ask it to be excluded from it.

I submit to you that the John Day Basin will be better protected by greater resources of fish with landowner, not only participation, but instigation, which our GWEB projects have done, and that these landowners can be the best friends we have.

I submit to you that your legislation is a way of doing things in the past; we propose some creative legislation of doing things in the future. I, as a representative, hope to do this, and as far as I'm concerned, it gives me no problem to tear that in half and say let's start and do some creative legislation. No more actions and reaction.

Thank you very much.

Senator **Hatfield**. Thank you.

## STATEMENT OF DOUGLAS H. BREESE, OREGON FARM BUREAU, PRINEVILLE, OR

Mr. **Breese**. That was tough to do.

Senator, my name is Doug Breese, President of the Oregon Farm Bureau Federation representing 33 member county farm bureaus and over 11,000 member families. I appreciate the opportunity to visit before you here today.

This legislation limits agriculture to the extent that only current practices can be used. New technology has benefitted American agriculture. We have had to diversify our operations and our techniques to remain competitive and in business. Locking up over seventeen hundred miles of our waterways to a single or restricted use may just keep agriculture in Oregon from benefitting from new technology.

The Farm Bureau feels that economic impacts need to be fully analyzed before any further designations of rivers are made. We understand that environmental studies have been completed, but what are the fiscal impacts of the potential lost revenues due to the limits imposed by these designations? The impact of no future water supply, dams or diversions on 1700 miles of waterways could have a devastating effect, not only on agriculture but on communities and other types of industries state wide.

What is the impact on the Federal budget? This legislation includes hundreds of miles of private lands designated as wild, scenic or recreation. The legislation does not address the private land acquisition, scenic easement, acquisition or condemnation costs. As taxpayers, we should know what the fiscal impact would be to our national budget.

What is the impact on private landowners? Designations will undoubtedly increase the public pressure associated with ownership. There will be costs associated with this pressure that cannot necessarily be measured with a dollar sign. Let us not lose sight of our constitutional guarantees of private property.

Administering agencies such as the Department of Agriculture and the Department of Interior are in the process of studying some of the proposed rivers. Studies underway should be evaluated before the inclusion of the affected river systems into the legislation. Specifically, the Prineville District of the BLM is in the process of developing a management plan for the North and South Fork of the John Day River. Perhaps other segments are in a similar process.

We have some concern with the criteria of the bill itself. We do grant that there are segments already in wilderness areas that would meet that criteria. One, for instance, is a three-mile segment of the North Fork Crooked River from Williams Prairie Downstream, flows through 160 acres of private land in a volume flow one can jump across at most any point. Several others such as the West Little Owhyee may be traversed—may become dry certain times of the year.

In conclusion, the limits placed on future water development, the potential economic loss to farmers and ranchers, the potential economic loss to communities, the increased cost to government agencies, the lack of complete documentation to verify this legislation's benefits to all aspects of our society, causes us to request a complete management plan and economic analysis of all affected areas prior to enactment of this bill.

Thank you, Senator, for your time.

[The prepared statement of Mr. Breese follows:]

#18

UNITED STATES SENATE

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

S 2148

TESTIMONY PRESENTED BY

OREGON FARM BUREAU FEDERATION

DOUGLAS H. BREESE, PRESIDENT

My name is Doug Breese, President of the Oregon Farm Bureau Federation, representing 33 county Farm Bureaus and over 11,000 member families.

Senator, the Oregon Farm Bureau has specific policy relating to Wild and Scenic Rivers and some major concerns with the proposed legislation.

As farmers and ranchers, we like to see the beauty that our streams and rivers provide. But we also understand the value of these water ways.

We have depended on water to produce the products to feed our country. As our country has grown, so has our need to supply our people with food and fiber. If we are to continue to grow as a state and a nation, and it seems that we should due to the ever increasing population, then the need exists to develop our natural renewable resources.

This legislation limits agriculture to the extent that only current practices can be used. New technology has benefitted American agriculture. We have had to diversify our operations and our techniques to remain competitive and in business. Locking up over 1,700 miles of our water ways to a single or restricted use may just keep agriculture in Oregon from benefitting from new technology.

Farm Bureau feels that economic impacts need to be fully analyzed before any further designations of rivers are made. We understand that environmental studies have been completed, but what are the fiscal impacts of potential lost revenues due to the limits imposed by these designations? The impact of no future water supply, dams, or diversions on 1,700 miles of water ways could have a devastating effect, not only on agriculture, but on communities and other types of industries state wide.

What is the impact on the federal budget? This legislation includes hundreds of miles of private lands designated as wild, scenic or recreation. The legislation does not address private land acquisition, scenic easement acquisition, or condemnation costs. As taxpayers, we should know what the fiscal impact would be to our national budget.

What is the impact on private landowners? Designations will undoubtedly increase the public pressure associated with ownership. There will be costs associated with this pressure that cannot necessarily be measured with a dollar sign. Let us not lose sight of our constitutional guarantees of private property.

Administering agencies such as the Department of Agriculture and the Department of Interior are in the process of studying some of the proposed rivers. Studies underway should be evaluated before the inclusion of those affected river systems into the legislation. Specifically the Prineville District of the BLM is in the process of developing a management plan for the North and South fork of the John Day River. Perhaps other segments are in a similar process.

Another aspect of the Wild and Scenic River Bill which bothers us is the criteria used to determine whether or not it should be included in the National Wild and Scenic River System. Based on a statement from the U. S. Department of Interior dated 1986, and I quote, "rivers included in the National system must be free flowing streams which have outstanding scenic, recreational, geological, fish and wildlife, historic, cultural, or other similar values. They must also be long enough (generally 25 miles or more) to provide a meaningful recreation experience, have a sufficient volume of water, and have a high or restorable water quality". How many of these streams are free flowing year around?

Senator, there are 40 rivers with over 100 different segments. There are 15 rivers alone in which the designations are under 25 miles. Those 15 are broken up into 24 different segments. We do not feel they meet the criteria for a meaningful recreation experience. Granted, there may be short segments included in Wilderness areas which meet that criteria, but for instance, that 3 mile segment of the North Fork Crooked River from Williams Prairie downstream flows through 160 acres of private land in a volume flow one can jump across at most any point. Several others such as the West Little Owhyee may be traversed dry footed several months of the year. Because of the segmentation described in the legislation, we would like to comment in more detail after seeing a complete analysis of all the rivers.

In conclusion, the limits placed on future water development, the potential economic loss to farmers and ranchers, the potential economic loss to communities, the increased cost to government agencies, the lack of complete documentation to verify this legislation's benefits to all aspects of our society cause us to request a complete management plan and economic analysis of all affected areas prior to enactment of this bill.

Senator **Hatfield**. Thank you very much. I think we can clarify the technology part of it and I appreciate your raising that point. Mr. Coles.

## STATEMENT OF LASELLE COLES, OCHOCO IRRIGATION DISTRICT, PRINEVILLE, OR

Mr. **Coles**. Senator Hatfield, Congressman DeFazio, for the record, my name is LaSelle Coles, I am representing the Ochoco Irrigation District and many other people here today.

For the record, I would like to—I have submitted statements from Les Schwab, who is a landowner on the North Fork, and also Joyce Stearns Barney, who is an owner on the main stem of the Crooked River below Prineville Reservoir.

I also have included in my statement a letter from Bob Main, the water master, stating the flow of the South Fork of the Crooked River, and also the state records of the gauging stations on the North Fork and on the main stem of the Crooked River. I'd like those to be——

Senator **Hatfield**. They will be incorporated in the record.

Mr. **Coles**. Thank you. I would also like to state that on the Crooked River on part B, there's a mistake there. It says the eight-mile segment from Bowman Dam to Dry Creek by the Secretary of Interior is a recreational river. Eight miles merely takes it to the Stearns property, and anything below the Stearns property is private land except 40, and there's a 40 in there, there's about five miles more from the Stearns—the Barney property to the Dry Creek. I think that that lower part should be left out and that the—that should be changed to the eight-mile segment from Bowman Dam to the first private property there and then stop at that, because there isn't really any reason to include the other.

We are opposed to the inclusion of the North Fork and the South Fork of the Crooked River, for the simple reason that they are primarily desert streams, they flow large quantities of water in the spring, they go practically dry in the summer. That's one reason why I brought along the state records of the flow.

As Mr. Breese stated on Williams Prairie, that about a half of a cubic foot per second is about all the water there is in the summertime. Below Big Summit Prairie and Deep Creek, that goes down to about a foot, and there's very little recreation or very little fishing on that part of the river. You get down in the forest part below Deep Creek, it might be some of that as our Judge Hoppes said, could be included in it.

But to us the big value is the building of another resevoir in the upper reaches of the river and having a continuous flow there would mean many, many thousands of times more days of recreation than what we have at the present time.

On the main stem of the Crooked River before Prineville reservoir was built, there wasn't any recreation, all there was in that river was wild—was trash fish. I know, because I took care of the records during the time when geological survey could not get there, and as a result, we've increased that thousands and thousands of times.

We think that the best development of the Crooked River area is the future dams. Thank you for being here, I appreciate it.

[The prepared statements of Mr. Coles, Mr. Schwab and Ms. Barney follow:]

## TESTIMONY OF LASELLE E. COLES

## S. 2148

REPRESENTING: OCHOCO IRRIGATION DIST.
1001 N. Deer
Prineville, OR 97754

REGARDING: Opposing inclusion of the North and South Forks of the Crooked River in the Wild and Scenic Rivers Bill, S.2148

My name is LaSelle E. Coles and I reside at Rt. 2, Box 470 Prineville, OR 97754. I am representing the Ochoco Irrigation District of which I was manager for forty three years. We are opposed to the inclusion of the North Fork and South Fork of Crooked River in S. 2148. We believe these streams do not meet the criteria of a Wild and Scenic River as set forth in P.L. 90-171, 81 Stat. 531 as amended. Both Forks of Crooked River have characteristics of desert streams. They flow large quantities of water in the spring and are almost dry in the summer and late fall. I have been informed by the Water Master, Bob Main, that many times in the summer he has to take water away from upstream users on the South Fork in order to deliver four cubic feet per second of water to Ned Severance, the last land owner on the South Fork, before its confluence with Crooked River. The report of the State Resources Department shows the flow of the North Fork above Deep Creek to be a minimum of 1.5 cfs (cubic feet per second) to 3.0 cfs from July through October in most years since 1941. There is a USGS gaging station below the mouth of the North Fork on the Main stem of Crooked River. The combined flow of North Fork, Beaver Creek, South Fork and other tributaries plus upstream return flow from irrigation is around 9.0 cfs in most years. I believe the water flow records reveal that there is not enough water in the North Fork or South Fork of Crooked River to meet the criteria of a Wild or Scenic River as established in the original bill.

We believe the Forest Service and Bureau of Land Management are doing a good job in managing the portions of these rivers under their jurisdiction. I have been informed by these agencies that it will be an additional cost to manage these rivers as Wild and Scenic rivers. We are trying to decrease the cost of government. Why should we add additional cost to the management of these areas?

That portion of the North Fork above Big Summit Prairie does not contain features of outstanding value as it flows primarily through meadows part of which are privately owned. The flow in this part of the North Fork drops to .05 cfs in the summer. This is hardly enough water to sustain a fishery. The part of the North Fork from Big Summit Prairie to the confluence with Beaver Creek is paralleled by a main stem, paved, Forest

Service road which with the low flow of water during the recreation season does not make that portion of the North Fork a good area to be included in S. 2148. The private owned land through which the North and South Fork flow are Cattle Ranches or are summer pasture for cattle operations. The bill states that under certain conditions private land can be condemned one fourth of a mile on each side of the river. This provides access for fishermen, hunters and other recreationalists to this one half mile of land but in many areas the ranch is a shoe-string piece of property which is not much more than one half mile wide. This could mean that you have destroyed a ranch operation and taken this land off the county tax roll. This we can't afford to lose in Crook County. If only an easement is condemned, the recreationalist still has to mingle with the farmers cattle. Range cattle and people do not mix.

We believe that future water development for agriculture and recreation in Crook County is dependent on water storage on the North Fork of Crooked River and possibly the South Fork. A storage reservoir on the North Fork would make it possible to release water into Prineville Reservoir during the recreation season. This would develop fifteen to twenty miles of good river fishing above Prineville reservoir and could keep the water elevation in Prineville reservoir at higher levels. The development of Prineville reservoir has increased recreation on Crooked River from the upper end of the Reservoir to Dry Creek (Five miles south of Prineville) a thousand fold.

Some of the criteria used to include a river in the Wild and Scenic River system are as follows:

> The stream must be free flowing and have recreational, geological, fish and wild life, and have a sufficient volume of water.

We believe the North and South Fork of the Crooked River do not meet this criteria. The volume of water during the summer months is nonexistant. At the present time both streams are not considered good fishing and in many parts of the streams there are no fish. Wild animals do drink out of theses streams but they can do this if the streams were left as is. Recreation on the North Fork is limited primarily to hunting camps during the deer and elk season. We believe the North Fork and South Fork of Crooked River should be eliminated from S. 2148.

Respectfully submitted,

LaSelle E. Coles

LaSelle E. Coles

*Les Schwab*

P.O. Box 667
Prineville, Or 97754
Phone (503) 447-4136

May 12, 1988

Senator Mark Hatfield and Representative Denny Smith
711 Hart, Senate Office Building
Washington, D.C. 20510

Gentlemen:

I am writing this letter to both of you, as you are the sponsors of a federal bill and would add 40 segments and 1,700 miles to Oregon's Wild and Scenic Rivers system. Senate Bill S21-148.

I realize that there must be, for every person owning river front land, at least another 10,000 people who don't own river front land. This makes it easy for political people to see where the votes are. But this doesn't make it right.

I understand there is a meeting in Bend, May 30. It has been my experience, over 70 years I've lived, to know that the outcome of this type of bill is a forgone conclusion. We, as land owners, are given the right to attend and beg for our rights that are clearly established in our constitution...."Government shall not take private land without due process and reimbursement."

In a letter to the editor recently in the Bulletin, Bend, Oregon, a Mr. Eric E. Schulz urges people to come and have a party to help put through this bill. His last sentence, "Besides contestants, we need cheer leaders. Please come to the games."

In olden days, people came to hangings, came to the party when heads were cut off....they came and were cheer leaders; yes, they came to the games. The game this time is to come and cheer when the government takes my land, along with hundreds of other Oregonians, without due process, without reimbursement for the damage done.

Please consider these thoughts as you proceed; and please think about the great America we have and what we have worked for so hard. It is slowly being destroyed by acts such as above.

Sincerely yours,

Les Schwab

Les Schwab

My name is Joyce Barney and I reside at 825 Crest Drive, Prineville, Oregon 97754.

I am a land owner on the Crooked River and wish to go on record as being in opposition to the Wild and Scenic Rivers Act in so far as the bill includes deeded agriculture property. Allowing the general public access across private property and full use of the river, including ¼ mile on either side, makes it virtually impossible to use the land for cattle grazing. Surely you would not even suggest allowing such usage on agriculture land. This would be no less than condemnation. The State Land Use Planning Laws in Oregon were set up to protect agriculture and now this bill would be erroding that protection.

Specifically, I wish to address the area from Bowman Dam down river. The first eight miles, the river is running through Government land. This is a beautiful, scenic, unpopulated natural river canyon and is an ideal segment of the Crooked River to be utilized for recreation. However, the additional five miles of river to Dry Creek runs through all private agriculture land. Considering the damage and hardship including this segment would cause the ranchers, and the large amount of natural recreational lands in the first eight miles, I can see no justification for including the total 13 miles.

Please take this into consideration in designating the segments of Crooked River that are to be under this bill.

Joyce Barney

Senator **Hatfield**. Thank you, Mr. Coles, thank you all gentlemen.

I'd like to invite Mr. Peter Dobert, Mr. John Harken, Mr. David Green, Mr. Richard Wright, and Mr. Glen Van Cise.

Mr. Green, do you wish to start?

## STATEMENT OF DAVID GREEN, OREGON GUIDES AND PACKERS, MADRAS, OR

Mr. **Green**. Thank you, Senator. Senator Hatfield, Congressman DeFazio. My name is Dave Green for the record, of Madras, Oregon, owner of the Madras Insurance Mart, the Deschutes Navigation Company, and I'm a member of the Board of Directors, the Oregon Guides and Packers. Today I speak on their behalf.

Governor Oswald West, in the early part of the century, declared the Oregon beaches belonged to the public. Later, Governor McCall led the fight to clean up the Willamette and create the Greenway.

In 1969 the Oregon Scenic Waterways Act came into being and a few river sections have been added since, and I emphasize few.

Now, Senator, this bill is a move that will really say the rivers in Oregon belong to all the people. It will for our future generations, we believe, both preserve and enhance these great assets. Fishing guides view themselves as the keepers of the river since their very future livelihood depends on a great tomorrow for each river.

As a board member of the Guides and Packers I can report to you that in April they clearly voiced support for your Senate Bill 2148.

We ask for your consideration additionally, however, on the following points and I'll be brief: All thoughtfully prepared legislation needs additional flushing out, and I use the lower 100 miles on the Deschutes River, for instance. It is already protected by the state of Oregon by the scenic river status and a new commission is currently developing a long-range plan at the direction of the legislature. Our question, logically, is, how will Senate Bill 2148 mesh with this plan.

The Oregon Guides and Packers also regret that the wonderful corner, Hells Corner of the Klamath was not included, and we trust this will be given additional consideration throughout this legislation.

We commend you, Senator, for your effort to obtain up-to-date information and for holding these public hearings, knowing full well that you'll gain both compliments and criticism. We offer our continued support from the Oregon Guides and Packers and in the same breath, look for the needed fine tuning that will indeed prove to others that we can find solutions that mesh livability with productivity, with an eye always on our legacy for the future. We believe this could be a model for future rivers throughout this nation.

Thank you, Senator.

[The prepared statement of Mr. Green follows:]

THE
INSURANCE
MART

SERVICE

610 5th ST. / P.O. BOX 680
MADRAS, OREGON 97741-0096
TELEPHONE: 475-2249
FAX # 503 - 475-6842

5-30-88

RE: S.2148 "Omnibus Oregon Wild & Scenic Rivers Act of 1988"

My name is Dave Green of 685 9th St. Madras Oregon owner of the Madras Insurance Mart and Deschutes Navigation Company.

Today I speak on behalf of the Oregon Guides and Packers .

Gov. Oswald West declared Oregon Beaches to belong to the public. Later Gov. Tom McCall lead the fight to clean up the Willamette and create the Willamette Greenway, more recently, in 1969 the Oregon Scenic Waterways Act came to being and a few river sections have been added. Sen. Hatfields bill is a move that will by the really say that the Rivers belong to all the people. It will for our future generations both preserve and enhance these great assets.

Fishing Guides view themselves as the keepers of the river since their very future livelihood depends on a great tomorrow for each river.

Our Board of Directors meeting in April clearly voiced this support.

As ~~a member of the~~ Governors Scenic Waterways Advisory Committee and as Charter President of the Deschutes River Public Outfitters Assoc. I ask for your consideration of the following points.

A. All carefully thought out legislation needs additional fleshing out and I use the lower 100 miles of the Deschutes for instance.

It is already protected by the State of Oregon with Scenic River Status and a new Commission is currently developing a long

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range plan at the direction of the Legislature. How will S.2148 mesh with this plan?

B. The Oregon Guides and Packers regret that the wonderful Hells Corner of the Klamath is not included and we trust you will give this needed addition further consideration.

C. We commend you Senator on your effort to obtain such accurate up-to-date information and for holding these public hearings to gain both the compliments and the criticism.

We offer our continued support and in the same breath look for the needed fine tuning that will indeed prove to others that we can find solutions that mesh livability with productivity and an eye always on our legacy for the future. This could well be the model for the future of rivers thruout the nation.

Thank you.

Dave Green

Dave Green
Board Member-Oregon Guides and Packers

Add'l. Material attached

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5-30-88 Supplement to oral testimony of Oregon Guides & Packers Dave Green Rep. Bend Oregon hearing.

Specifics that need further study in the Central Oregon area.

A. A BLM study in the mid 1970's classified the Deschutes as 5-D, "Recreation River" rather than Scenic River with a Railroad and other developments nearly the full length of the lower 100 miles We feel this is a more appropriate designation than "Scenic"

The current Cooperation Managing Agencies, both State and Federal divide the lower 1900 miles into 4 sections while the Hatfield bill uses three sections with the first ending at Bakeoven Creek.

B. Brian Cunningham, Public Affairs Officer of the BLM Prineville office recently testified that many of the river mileage numbers seem to be as much as 50% off on the Crooked River section. We are aware from his comments that the Senator has requested current updated material on a number of fronts from the BLM and USFS Offices and we commend the Senator for this followup.

C. We wish to restate the need to include the Hells Corner section of the upper Klamath in the bill.

D. A critical issue is the meshing together of state and federal legislation as exemplified by the new Deschutes River Panel and the existing Oregon Scenic Rivers Act.

OUr members across the state stand ready to provide information that may be needed based on their personal knowledge of these

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rivers from their many years. Please call on us at any time.

Dave Green
Director
Oregon Guides & Packers

Senator **Hatfield**. Thank you.

## STATEMENT OF RICHARD WRIGHT, OREGON KAYAKERS, BEND, OR

Mr. **Wright**. My name is Richard Wright, I'm a resident of Bend and a representative of the Bend Kayak and Canoe Club. I've been an avid white water enthusiast for five years.

I'd like to thank Senator Hatfield for coming to Bend to hear public testimony.

The state of Oregon is blessed with over 90,000 miles of rivers, streams and tributaries. Soggy Sneakers, a Guide to Oregon Rivers, a publication put out by the Willamette Kayak and Canoe Club, logs over 2,000 miles of runable rivers. By their own admission, this log doesn't cover it all. Within a two-hour drive from Bend, a boater can find numerous rivers ranging from class one, or beginning level, to class five, the expert level only, offering challenging white water for all levels of boating ability.

However, what makes a white water run eventful is not just the white water, it's the whole experience around, in addition to the white water. The scenery, the wildlife, the geology, the solitude.

Many of the rivers in Oregon contain all these attributes, so within that two-hour drive from Bend, one can escape the pressures of their workday, and put their mind on something that demands their complete concentration and enjoy the surroundings of a wild and natural state of existence. They can see the world from a perspective witnessed by very few people from river level. This is what river running's all about, and this is what rivers in Oregon are all about. And this is what today puts Oregon at the pinnacle of one of the fastest growing sports in America.

More people within the state are learning about the fun of river running, more people from outside the state are learning of the wonderful rivers in the state of Oregon. More money is being pumped into the sport. Economically I think Oregon can gain by holding on to the valuable resource it has at its disposal, that of pristine and natural river environments.

This Omnibus bill takes a major step in that direction. I'd like to note the absence of a few rivers I feel deserve attention. The Breitenbush is one which flows from the Mt. Jefferson drainage into the Detroit Lake. It runs through a deep forested gorge, dropping into a crystal clear pool. The beauty of the run is apparent only when one looks up, which is not too often as the technical class of white water demands his complete attention.

The Upper Klamath, or the infamous Upper Klamath, seems to have gained the reputation of a political hot potato. Once again, the rapids are the type to give you white knuckles and sweaty armpits. The scenery can't be beat. Wildlife abounds in this rugged river.

What surprised me, however, was the number of professionally guided trips embarking down this stretch of river. I noted between eight and ten rafts on one morning, with an average of five people per raft, means 40 to 50 paying customers per day on the Upper Klamath. It seems to me an industry is moving down into that area.

I support the Omnibus river bill, but I feel we shouldn't stop there. The bill is a start, but the battle to preserve Oregon rivers will continue on the local level, as was demonstrated by the local upheavel over hydrodevelopment on the Deschutes River; at the state level, as demonstrated by the Oregon Rivers Initiative; and at the Federal level, thanks in part to Senator Hatfield and his bill.

Thank you.

Senator HATFIELD. Thank you.

### STATEMENT OF GLEN VAN CISE, CENTRAL OREGON AUDUBON SOCIETY, BEND, OR

Mr. VAN CISE. Morning, Senator Hatfield and Representative DeFazio. I am representing the 408 members of Central Oregon Audubon Society.

We are excited about your efforts to protect Oregon's rivers. Central Oregon Audubon has a special interest in protection of rivers, as we feel that waterways are critical to the survival of many species of wildlife, particularly bird life.

We have a particular interest in rivers located in the Central Oregon area. Central Oregon Audubon takes many field trips to these areas to watch wildlife and also takes many float trips down these waterways.

The rivers of particular interest to our chapter that are included in the Wild and Scenic Rivers Act bill at this time include the Deschutes, the Metolius, the North Fork and the South Fork of the Crooked River, the Crooked River, the Sycan, Crescent Creek, the Big Marsh Creek, the Donner and Blitzen, North Fork of the Sprague, the Lower Williamson, the John Day, and the North and the South Forks of the John Day.

The rivers that were not included in the bill that the Central Oregon Audubon supports for designation are the Klamath, the Upper Klamath or the twelve-mile section from the John Boyle Powerhouse down to the Oregon-California border, the Malheur, the Chewaucan and the two sections of Squaw Creek mentioned earlier in the Sisters area.

We also would like to make a few changes in the John Day River proposed designations, and I've listed them on page two of my sheet.

In summary, Central Oregon Audubon strongly supports the Omnibus Oregon Wild and Scenic Rivers Act of 1988. We feel that protection of rivers is critical to wildlife and of great benefit to recreation and for tourists coming into the area. Thank you.

[The prepared statement of Mr. Van Cise follows:]

CENTRAL OREGON
AUDUBON CHAPTER
P. O. BOX 565
BEND, OREGON 97709

Honorable Mark O. Hatfield
Congressional Field Hearing
Omnibus Oregon Wild and Scenic Rivers Act of 1988
Bend, Oregon
May 30, 1988

I am representing the 408 members of Central Oregon Audubon Society. We are excited about your efforts to protect Oregon's rivers. Central Oregon Audubon has a special interest in protection of rivers as we feel that waterways are critical to the survival of many species of wildlife, particularly birds. We have a particular interest in rivers located in the central Oregon area. Central Oregon Audubon takes many field trips to these areas to watch wildlife and also to enjoy a float trip down these waterways.

Central Oregon Audubon supports the National Wild and Scenic River designations proposed by your legislation. We feel that this bill could start the ball rolling again on national protection of scenic rivers. We also feel that it would a great legacy to the people of Oregon if you helped pass this bill.

The rivers of particular interest to Central Oregon Audubon that were included in the Omnibus Wild and Scenic Rivers Act of 1988 are:

Deschutes
Metolius
North Fork Crooked River
South Fork Crooked River
Crooked River
Sycan
Crescent Creek
Big Marsh Creek
Donner and Blitzen
North Fork Sprague
Lower Williamson
John Day
North Fork John Day
South Fork John Day

CENTRAL OREGON
AUDUBON CHAPTER
P. O. BOX 565
BEND, OREGON 97709

Rivers that were not included in the bill that Central Oregon Audubon supports for designation are:

KLAMATH RIVER- The 12 mile section from the John Boyle Powerhouse to the Oregon-California border.

MALHEUR- The 18 mile section from Logan Valley Resevoir to the BLM land boundary. In addition the 21 mile stretch from Riverside to Juntura.

CHEWAUCAN- The 23 mile section from Dairy and Falls Creek to Paisley.

SQUAW CREEK- The 14 mile section from Bend Glacier to USGS Gaging Station and the 16.5 mile section from Camp Polk Bridge to the confluence with the Deschutes.

Central Oregon Audubon helped sponsor a trip down the John Day River this past April. We recommend the following changes in the Omnibus Rivers bill:

1. The 64 mile segment from the confluence with Service Creek to the intersection of T. 5 S. R. 18 and 19 E., Sections 36 and 31 on the west side of the river, on the boundary of Sherman and Wasco Co. as scenic, with some exceptions on private lands.

2. The 44 mile section from south intersection, township 5 south, range 18 and 19 east, section 36 and 31 on the west side of the river, on the boundary of Sherman and Wasco Co., to south intersection of township 2 south, range 18 and 19 east, section 1 and 6 as a wild river.

3. The 39 mile segment from the south intersection of township 2 south, range 18 and 19 east, to Tumwater Falls as a scenic river.

Central Oregon Audubon strongly supports the Omnibus Oregon Wild and Scenic Rivers Act of 1988. We feel that protection of these rivers is critical to wildlife and a great benefit to recreationists and tourists.

Sincerely,

Glenn Van Cise
Conservation Chairman

Senator **Hatfield**. Thank you very much.

Neither Mr. Dobert nor Mr. Harken are here. Testimony will be accepted if they wish to submit it.

Thank you very much, gentlemen.

Now I'd like to invite Mr. Wes Cooley, Mr. Steve Kandra, Mr. Chuck Shonnaker, Mr. Mark Becker, Miss Alice Dugan, Mr. Dwayne Jones, and State Representative Ray French.

You may begin.

## STATEMENT OF WESTER COOLEY, DESCHUTES COUNTY FARM BUREAU, ALFALFA, OR

Mr. **Cooley**. Senator, I'm going to paraphrase my written report to the panel. The Deschutes Farm Bureau really feels that this Bill S. 2148 is really——

Senator **Hatfield**. Identify yourself for the record.

Mr. **Cooley**. I'm sorry, my name is Cooley, Wester Cooley. It's really a commercialization of our river and scenic life. Most of the people you'll hear talking about this are talking about using this as a commercializtion of more tourists to benefit certain industries in the Central Oregon area.

We feel that the rights of the owners within the zoning regulations, and these are primarily ranchers and farmers, are possibly being invaded under some of the rules and regulations allowing ingress and egress to the rivers that are being proposed.

Most rivers in the state of Oregon right now are regulated, and some of them probably are over regulated, but I don't feel that any of the rivers right now are in specific danger. Most of the community is very much aware of things that have happened in the past to the rivers and have done a great deal in legislating the control of rivers and the destruction of the scenic life.

But you also have to remember that farmers and ranchers who have bought this property, need to use the property which they purchase, and they should have the right to put up buildings, fences and things like that to support their operations, and some of the legislation seems to limit these areas.

An earlier statement you talked about the bill of 1968 on the Wild and Scenic River Act. If I'm not mistaken, there was some condemnation of property at that time, and the Senate appropriated something like 15.17 million dollars to property owners in the Rogue River area. We wouldn't like to see that happen in Deschutes County.

Under the act some things that we feel might be in jeopardy and might also infringe on our civil rights. In a recent Supreme Court decision 85-1199—I won't go through the long thing about the headings on it, the Supreme Court Justice Rehnquist upheld the Fifth and Fourteenth Amendment. And basically an underlining and paraphrasing his statement in his decision, he said that, "The Fifth Amendment, which provides in relevant part, that private property shall not be taken for public use without just compensation. This provision does not prohibit the taking of private property, but instead, places a condition on the existence of that power, thus government action that works in taking property rights necessarily implies a constitutional obligation to pay just compensation for taking of the rights."

In light of the Supreme Court decision, the possibility of lengthy litigation, we think that it behooves the Senator to reconsider some of the proposals on this bill.

[The prepared statement of Mr. Cooley follows:]

To: Senator Mark Hatfield
711 Hart, Senate Office Building
Washington, D.C. 20510

Re: OPPOSITION TO BILL NO. S.2148, To Amend the Wild and Scenic Rivers Act of 1968, and for Other Purposes.

Dear Sir:

I wish to express my opposition to Bill No. S.2148.

Bill S.2148 is merely a commercialization of our rivers in order to promote more tourism in Central Oregon. The bill provides that under certain conditions, private land can be condemned on each side of the proposed rivers. Those who will directly benefit by the added tourism will be doing so at the expense of farmers and ranchers whose lands border those rivers. Condemnation of even a quarter mile on any individual's property would be a transgression of that individual's rights as is afforded under The Constitution. Taking away the use of those lands for which they were originally zoned, no matter how small, would be taking away the rights of those individuals who own those lands.

We (ranchers and farmers) are aware of the politically powerful groups in Central Oregon, such as the "Friends of the River" and "One Thousand Friends". We are also aware that the politicians and the elected officials are swayed by the majority. We, the individual land owners, are in all probability outweighed in terms of voting power by a ratio of one to ten thousand to one. This, however, should have no bearing on our rights as individuals. Our rights should be respected and protected.

If S.2148 is passed, private lands will be affected and the rights of those farmers and ranchers involved will be usurped. Not only would the personal rights of the individuals be lost, but another factor must be considered as well...cost to the taxpayers.

Under the provisions of the original bill, landowners whose properties would be condemned under the Wild and Scenic Rivers Act of 1968 were to be compensated. Compensation, however, cannot always satisfy or replace the value that one places on his or her property where they have lived and worked for many years of their lives. Some of those areas which would be affected contain homes, outbuildings, fences and pasture for their animals. These certainly do not obstruct the scenic beauty of our rivers. On the contrary, they are a part of our American heritage.

I bring to your attention a recent Supreme Court decision, #85-1199, "FIRST ENGLISH EVANGELICAL LUTHERAN CHURCH OF GLENDALE, APPELLANT v. COUNTY OF LOS ANGELES, CALIFORNIA", On Appeal from the Court of Appeal of California, Second Appellate District.

The decision reinforced the Fifth and Fourteenth Amendments to the Constitution of the United States. In the decision, reference was made directly to the section of the Fifth Amendment which provides in a relevant part that, "private property (shall not) be taken for public use, without just compensation."..."this provision does not prohibit the taking of private property, but instead places a condition on the exercise of that power."..."Thus, government action that works a taking of property rights necessarily implicates the "constitutional obligation to pay just compensation."

In light of the Supreme Court's decision and the possibility of lengthy litigation, we think it would behoove the Senator to reconsider some of the proposals contained in Bill S.2148.

Respectfully submitted,

Wester S. Cooley

Wester S. Cooley, Director
Deschutes County Farm Bureau

Senator **Hatfield**. I thank you. Let me just state for the record that there is no taking of any property without just compensation. Fences and other structures are not prohibited under the act in terms of a recreational status, and I just want to take this opportunity not to be argumentative.

Mr. **Cooley**. No.

Senator **Hatfield**. But merely to reassure you——

Mr. **Cooley**. Right.

Senator **Hatfield**. I would participate in no action of that kind.

Mr. **Cooley**. But there's three qualifications, sir.

Senator **Hatfield**. Yes. Recreational, wild and scenic.

Mr. **Cooley**. Some of those qualifications it does prohibit it.

Senator **Hatfield**. But the point is, that's why this information is very helpful to us.

Mr. **Cooley**. Yes.

Senator **Hatfield**. What I want to say is, that I couldn't agree with you more relating to that court action. In fact, I would subscribe to it 100 percent, and I merely want to say that there is nothing I would participate in that would threaten that particular taking of property without just compensation.

Mr. **Cooley**. But under the act there is a hold on any of that proposed property right now.

Senator **Hatfield**. Well, you've been very helpful, but I wanted to allay any fears that you might have.

Mr. **Cooley**. I have no fear, I'm just saying that there is a hold, sir.

Senator **Hatfield**. Thank you.

## STATEMENT OF STEVEN KANDRA, KLAMATH COUNTY FARM BUREAU, MERRILL, OR

Mr. **Kandra**. Thank you, Senator, Mr. DeFazio, it's good to see you again. My name is Steven Kandra, I'm president of the Klamath County Farm Bureau and also the chairman of the board of a small irrigation district in the Klamath Project.

I'm going to truncate my presentation. I'm going to start with some specific remarks directed at rivers addressed in Senate Bill 2148 in Klamath County, those being the Sycan, North Fork of the Sprague River, Lower Williamson, Crescent Creek, Big Marsh Creek and Lower Deschutes River.

Starting with the Sycan and North Fork of the Sprague, these are seasonal flow rivers with considerable variation in quality—or quantity of flow and spring runoff to summer dry out.

I measured Sycan at the reservoir last weekend and the flow was less than 12 second feet. In a good year, not a dry year, the flow will drop less than three second feet flow in September.

The Oregon Department of Environmental Quality has recognized that the deficient flows are creating water quality problems for recreational, aesthetics, fish production and livestock, and irrigation uses up to an extreme degree on these rivers.

Scenic and recreational class designations will preclude development that could be used to enhance and extend recreational aesthetic use of the rivers. Water storage facilities, properly designed and placed, would moderate flows and lower summer water temperatures, improving fisheries and recreational opportunities with the fringe benefit of providing a more stable water supply for livestock and irrigation.

I'm going to skip down to some of our concerns with the Lower Williamson, of course, that are part of the act which would limit use to uses already taking place as far as agriculture along the streams of the Lower Williamson. And concerns with Crescent Creek, Little Deschutes and Big Marsh, of course, for the rights of property owners which we've already addressed here.

I have some general statements about the bill as a whole. The largest impact the bill would have on Klamath agriculture would be future water storage and hydroelectric generation facility sites. Water, access to it and its use, is the most valuable input to Klamath Basin agriculture.

Improved storage impoundments would not only provide drought protection to basin agriculture, but would improve river fisheries and extend the time of recreational use, and improve water quality in the rivers.

Hydroelectric generation has provided irrigated agriculture with the ability to increase productivity and increase water use sufficiency, water that could be put back in stream for recreational use.

In summary, the Oregon congressional delegation should be commended for the recognition of Oregon agriculture's most valuable asset. However, Klamath County Farm Bureau does not feel that this bill addresses the need of balanced resource allocation. This bill will only condemn Oregon rivers to a seasonal mediocrity by eliminating use of technology and impoundments that could facilitate increased stream flows, better fish habitat, and all the aesthetics associated with the wild and scenic river.

Thank you.

[The prepared statement of Mr. Kandra follows:]

TESTIMONY REGARDING SENATE BILL 2148
Presented May 30. 1988 at Bend. Oregon

By:
Steven L. Kandra. President
Klamath County Farm Bureau
Rt 1 Box 650 B
Klamath Falls. OR 97603

Representing:
Klamath County Farm Bureau
4240 Highway 39
Klamath Falls. OR 97603

Regarding: Opposition to Senate Bill 2148. referred to as the Omnibus Oregon Wild and Scenic Rivers Act of 1988. inclusions of the Sycan River. North Fork Sprague River. and Lower Williamson River of the Klamath River Drainage System. and Cresent Creek. Big Marsh Creek. and Little Deschutes of the Deschutes River Drainage System into the Wild and Scenic Rivers Act of 1968.

Klamath County's largest general farm organization has concern with the impact that S. 2148 will have on Klamath Basin agriculture.

Specific Remarks:

The Sycan and N. Fork Sprague are seasonal flow rivers with considerable variation in quantity of flow from Spring run-off to summer dry-up. The Oregon Department of Environmental Quality has recognized that deficient flows are creating water quality problems for recreational. aesthetics. fish production. and livestock and irrigation uses up to an extreme degree on these Rivers. Scenic and Recreational Class designations would preclude development that could be used to enhance and extend the recreational and aesthetic use of the Rivers. Water storage facilities. properly designed and placed. would moderate flows and lower summer water temperatures. improving fisheries and recreational opportunities with the fringe benefit of providing a more stable water supply for livestock and irrigation.

Lands that adjoin the Sycan and N. Fork Sprague are used for cattle forage. through Forest Service allotments or private holdings. The Scenic Class designation allows agricultural practices as long as there is not a "substantial adverse effect on the natural appearance of the river area". Drought conditions in the area are going to put greater cattle pressure on the riparian zone and more cattle in the river is going to have an adverse effect on the natural appearance of the river. Keeping livestock out of riparian zones will effect cattle production in this area.

The Lower Williamson being proposed for Recreational designation has moderate to intense agricultural uses with potential for expanded variation of crops and practices. Inclusion in S.2148 would limit this resource to uses currently being practiced.

Crescent Creek, Little Deschutes, and Big Marsh Creek Recreational designations would add 128 miles of Wild and Scenic Rivers to the Deschutes System of which large portions are already protected by State Scenic Water Ways. Concern here is that S.2148 will become a property right issue, restricting planned developements, where local plans have already allowed developement.

General Statements:

The largest impact that S.2148 would have on Klamath agriculture would be the restriction of future water storage and hydro-electric generation facility sites.

Water, access to it and its use, is the most valuable input to Klamath Basin Agriculture. Approximately 250,000 acres of irrigated cropland and 380,000 acres of pasture, most contained in or adjacent to riparian zones, contribute $200 million to the Basin's economy. Improved water storage inpoundments would not only provide drought protection for Basin agriculture, but would improve river fisheries, extend the time of recreational use, and improve weter quality in the rivers themselves and waters downstream.

Hydro-electric generation has provided irrigated agriculture the ability to increase productivity and with increased water use efficiency and in an economical manner. Sprinkler irrigation, through electric pumps, can save from 30% up to 50% of the water used in flooded irrigation, conserved water that can be used for non-consumptive uses such as releases for fishing and rafting downstream from irrigation diversions. Electrical power rates paid by irrigated agriculture in the Klamath Project are directly tied to the local utilities ability to use the waters of the Klamath Basin to generate electricity.

Summary:

The Oregon Congressional Delegation should be commended for recognizing Oregon agricultures most valuable asset. However Klamath County Farm Bureau does not feel that S.2148 addresses the need of balanced resource allocation. S.2148 will only condemn Oregon rivers to seasonal mediocrity by eliminating the use of technologies that could facilitate increased seasonal stream flows, better fish habitat, and all the aesthetics associated with a Wild and Scenic River.

Steve Kandra, President
Klamath County Farm Bureau

Page 2 Of 2

Senator **Hatfield**. Thank you.

### STATEMENT OF DR. GEORGE E. SPENCER, BEND, OR

Dr. **Spencer**. Senator Hatfield and Congressman DeFazio. I'm Dr. George Spencer. I've been called an activist, and that's fine here today. I'm substituting for Mark Becker.

Senator **Hatfield**. Thank you, we welcome you.

Dr. **Spencer**. I am sure that all of us here are ardent supporters and constituents of you, Senator Hatfield, for your courageous and persistent advocacy of issues concerning peaceful coexistence.

I only knew two days ago that I would be a speaker here today, and I had a birthday celebration in the meantime. I would be speaker—my written comments, thus, are not final, but I assure they will be. I am honored to speak to a just and equitable use of water. By helping to conserve we are stewards of water, a natural resource which must be—must not be wasted.

My credentials for advocating an equitable use of water, first I was born and reared on a small family farm irrigated in Utah, a land where the sagacious use of water converted a high desert plateau into a vast oasis.

My father was a civil engineer and in my youth I accompanied him in a horse and buggy during his rounds as an irrigation water master.

After dealing in degrees in agriculture at Utah State University, I taught vocational ag in Imperial Valley in California for nine years, then came two years of graduate study at Cornell University and a PhD which resulted in 20 years of employment in foreign countries.

I was a consultant in community development. Local problems which rural villagers invariably prioritized, were related to the use of water for both extending the use of scarce water during seasonal dry season months, and culinary water in developing their communities.

This problem throughout our planet is becoming more acute. The very issue we face in Oregon where water once seemed so abundant, that proposals were made to divert it into thirsty acres, and may I add, often greedy land developers in California.

The ramifications of meeting the crisis of water allocation in Oregon, as well as nationwide, hinges on our confrontation with the problem before it becomes a vicious crisis. The challenge demands imminent attention for preserving our rivers and conserving precious water. Water is wasted, wasted. We cannot afford this. It is wasted both in urban areas and rural areas, and I'm not going into the detail of how they could be preserved, that's for research and further initiative.

Thank you, Senator Hatfield and members of the Congress.

Senator **Hatfield**. Thank you, nice to have you.

### STATEMENT OF ALICE DUGAN, SISTERS, OR

Ms. **Dugan**. Senator Hatfield and Representative DeFazio. My name is Alice Dugan, and I primarily live in Eugene, however, for eight years we've owned a house up on a butte that overlooks the confluence of Indian Ford Creek and Squaw Creek, previously mentioned, and we spend about a third to a half of the year in Sisters, and much time driving in between.

I came, first of all today, to express my appreciation for initiating this bill. Our recreation is mostly visually exploring many areas of the state, and we felt almost frantic at the changes we have seen in the years we've been driving, and I thank you both sincerely for this effort.

My chief concern is that the balance of nature not be destroyed. I've watched Indian Ford Creek dry up due to the expanded golf course. I've watched Squaw Creek be bulldozed for its gravel, its vegetation destroyed, so not even a killdeer can nest there.

How many years will it be before the willows get re-established and the riparian effect restores moisture to that creek? This same scenario could easily happen on any of the designated rivers: Thoughtless development among the streams, livestock grazing, logging, gravel mining, hydroelectric dams, all could stress a stream beyond restoring.

Recently, I attended a Willamette National Forest planned explanation, and was apalled to find out that there is no protection of streams in any of the alternatives that are being proposed. No provisions for the riparian zones, no guards against siltation of slides and road builders, no preservation of fisheries. And this makes this bill even more important and the inclusion of all the listed rivers.

Senator Hatfield, I have met you in my capacity as trustee of Northwest Christian College and at a Turner convention a lot of times, and so you will understand that it is with my very deepest spiritual being that I speak that I believe we must restore to the land, we must treat all God's creations with respect, and with the best interest of the total ecology.

I fully understand that in a capitalistic society, where profit equates with success, killdeers and willows don't rank very high.

Earlier this spring we were in the Poconos in Pennsylvania, and we saw the evidence of irreversible damage of the timber logging in the East and then coming to the west. We need to preserve as much of our remaining wilderness, we need to regain our perspective and appreciation of nature's marvels.

This weekend I've returned from Indianapolis and I planned to write this testimony on the plane, however, I discovered that ten days in an urban society with concrete lined canals, I lost the sight and the smell and the feel of our unique waterways.

I have a new appreciation for the task you must have, both of you, trying to persuade people in the east who have never experienced standing by the stream with only the rush of water and the deep smell of moss and the resulting peace and wholeness, and I think maybe one of your congressional junkets should come out here and have them experience it. It is difficult for the other parts of the country to realize this, and so it's for our nation's sake we need to preserve these last remaining bits of wilderness, and again I commend you for being the originator of this bill.

Thank you very much.

[The prepared statement of Ms. Dugan follows:]

My name is Alice Dugan. Our primary home is in Eugene. However, for 8 years we have owned a home near Sisters on a butte overlooking the confluence of Indian Ford Creek and Squaw Creek. We spend 1/3 to 1/2 of the year in Sisters, and much time driving between the two places!

I came today, first of all, to express my appreciation for your initiating this bill. Our recreation is visually exploring the many areas of the state. We are observers. We have felt almost frantic at the changes we have seen and sorrow as there seemed to be no way to arrest the destruction. I thank you most sincerely for this effort.

My chief concern is that the balance of nature not be destroyed. I've watched Indian Ford Creek dry up due to expanded golf courses; I've watched Squaw Creek be bulldozed for its gravel--its vegetation destroyed so not even a killdeer can nest there. How many years will it be before the willows get re-established and the riparian effect restores moisture to the creek? This same senario could easily happen on any of the designated rivers. Thoughtless development along streams; livestock grazing, logging, gravel mining, hydro-electric dams--all could stress a stream beyond restoring.

Recently, I attended a Willamette National Forest Plan explanation. I was appalled to learn there is no protection of streams in any of the alternatives under consideration. No provisions to protect the riparian zones; no guards against siltation and slides from road-building; no preservation of fisheries. This makes your bill of even greater importance and the inclusion of all the listed rivers (plus the Klamath) is imperative.

Senator Hatfield, I have met you several times in my capacity as trustee of Northwest Christian College; as program chair at a Turner Convention; as a church choir director. It is with my deepest spiritual being that I speak as I believe we must be stewards of the land. We must treat all of God's creations with respect and with the best interest of the total ecology in mind.

Alice Dugan 600 E 39th // Eugene 97405 (343-2174) / 1c, bx 128 4 Sisters 97759 (549-7187)

I fully understand that in our capitalistic society where profit equates with success, killdeer and willows do not rank very high! I appreciate our society, but somewhere there has to be a long-term view. Who is measuring today's actions with a 100-year yardstick? Why can't the 400-year-old trees along these designated streams live 500-600 years? I recognise that road-building and dam-building generate jobs now. I realize that local elected officials want to have a prosperous term of office. But these are short-term and do not even consider the value of living streams. I am glad you have the vision to see their long-term importance.

Earlier this spring, we were in the Poconos in Pennsyvania. We saw the evidence of the irreversible changes caused by the timber industry harvesting the Eastern forests then moving on. Those insights have brought me here today to ask you to act in behalf of the entire nation. We need to preserve as much as possible of the remaining wilderness areas. We need to regain our perspective; our values and an appreciation for our heritage and nature's marvels.

This weekend, I have returned from Indianapolis. I had planned to write this testimony on the plane. However, I discovered that 10 days in an urban environment with its cement-lined canals had made me lose the sight and smell and feel of our unique waterways. I have a new appreciation for the task you must have to convince people who have never experienced the totally enveloping feel of standing by a stream with only the sound of rushing water in your ears and the deep green smell of moss with the resulting sense of peace and wholeness. (I think you should encourage one of the legislative junkets which go to foreign lands to come here!) For our nation's sake, we need to preserve these last remaining bits of wild streams.

Again, I commend you for being the originator of this legislation and thank you for the opportunity given me to express my very deep feelings about our obligation to preserve God's earth, including wild and scenic rivers.

Senator **Hatfield**. Thank you very much.

## STATEMENT OF HON. RAY FRENCH, OREGON HOUSE OF REPRESENTATIVES

Mr. **French**. Senator Hatfield and Representative DeFazio, I thank you for the opportunity to comment on Senate Bill 2148. For the record I am Ray French, State Representative for District 59 which comprises——

Senator **Hatfield**. I'm sorry, we didn't get you in with the panel of elected officials, Representative French.

Mr. **French**. Which comprises the counties of Baker, Grant, Cook and Morrow, which, in turn, comprises a great deal of the area affected by SB 2148.

Having been born and raised in Eastern Oregon, I am certainly concerned about the preservation and development of the natural resources in this area of the state, especially as it relates to water. I must take this opportunity to express concern about Senate 2148.

The further designation of large sections of waterways in the wild and scenic rivers is not, in my opinion, always in the best interests of either the people of Oregon or especially of those who live in those areas where they have been long dependent on these rivers for their livelihood.

A wild and scenic rivers designation withdraws the affected waterways from future development and may be necessary not only for the livelihood of the people that live there, but also for the very preservation of the river itself.

For example, if there were upstream impoundments on the John Day River, or its tributaries, a great amount of erosion could be stopped because of high early season runoff, and the water held in these impoundments could then be released for late season flows for the benefit of all users, whether it be fisheries, forestry, agricultural irrigation, boaters, or aesthetic beauty, just to mention a few of the multiple uses provided by this river.

This river normally has an early season high runoff which causes a great deal of environmental damage, then the river is nearly dry in the late summer months.

Municipal use comes into this river also. Some of the small rural towns are dependent on the river water for at least part of their water supply and any further development for this use apparently would be prohibited by the wild and scenic river designation.

It has also been brought to my attention with the wild and scenic river designation, no funding is provided for paying for the increased use on these affected rivers. If, as has been suggested, several thousand man days of additional use are provided in these rivers, who is going to pay for the necessary service to keep these rivers in its wild and natural state. Certainly I do not think it would be fair to ask the local citizen to provide this funding, and with the increasing critical budgeting at both the state and Federal level, this could be a serious concern, one that could be most difficult to overcome.

With both social and economic factors involved, I strongly urge serious and detailed study before any changes are made in the designation of the river use in Northeastern and Central Oregon.

You may note I've used the John Day River in my example of problems associated with the wild and scenic river designation, however, the same problems will be associated with all major rivers in District 59.

Finally, I would urge if any further hearings are held on Senate Bill 2148, you would consider holding them in either Baker or John Day Oregon, two of the rural communities affected—widely affected by rivers in this area.

Thank you very much.

Senator HATFIELD. Thank you, Representative French.

## STATEMENT OF DWAYNE JONES, FUR TAKERS OF AMERICA, PAISLEY, OR

Mr. JONES. Senator Hatfield, Mr. DeFazio, my name is Dwayne Jones. I represent the Fur Takers of America and the Tri-State Fur Takers of Southeastern Oregon.

We would hereby like to go on record as in support of your bill, providing that you maintain and protect the natural heritage of the hunters, fishers and trappermen—trappers of Oregon. And this is all I have to say. I'll answer any questions you may have. And I thank you very much.

Senator HATFIELD. Thank you. I appreciate your succinctness.

Thank you all for your testimony.

I'd like to invite Mr. Richard Koplitz, Mr. Tom Smith, Mr. Bill Marlett, Miss Alice Elsoff and Mr. Alan Tracy.

You may begin.

## STATEMENT OF BILL MARLETT, OREGON NATURAL RESOURCES COUNCIL, BEND, OR

Mr. MARLETT. Senator Hatfield, Congressman DeFazio, thank you very much for being here today. This is really an honor for you folks to come to Bend to meet with us.

My name is Bill Marlett. I'm currently state coordinator for the Oregon Rivers Initiative, which is an initiative petition to secure state scenic waterway designation for portions of 11 rivers in the state of Oregon.

The state scenic waterways program has the same basic purpose and intent as the Federal Wild and Scenic Rivers Program, to protect the outstanding natural values of our free-flowing rivers.

The intent of our initiative is to revitalize Oregon's scenic waterways program, which has been languishing since its enactment by the vote of the people 18 years ago.

Having been involved with selecting the rivers for the initiative, I can empathize with the difficulty of your task. We had over 70 rivers to choose from, all qualified candidates, and only 11 made the final cut.

I personally was haunted by the fact that so many rivers didn't make our list, and it is my hope that your task is not made difficult by deciding which rivers to drop, but which rivers to add.

Your vision of an Oregon landscape teeming with rivers filled with fish, and home to wildlife, is what future generations will be grateful for. The need to protect our river heritage is immediate.

Much effort has been dedicated over the past 100 years damming and diverting our rivers to fulfill certain human needs. Some of these efforts were done in ignorance, some were done to profit a few, and finally, some were done at the expense of human needs already being fulfilled by rivers unfettered with the works of man.

We now have a debt to pay, and it should be done with the same vigor applied over the past 100 years. Hopefully, your success will be the first payment of that debt.

Oregonians treasure their rivers, even though some of them have been neglected and abused. Through these hearings you'll find that many people have their own favorites; I, too, have mine.

Rivers that I strongly support include the North and South Forks of the Crooked, the John Day, including its forks, Little Deschutes, North Fork of the Sprague, Sycan, Crescent Creek, West Little Owyhee, Joseph Creek. Some rivers included, that come with my highest recommendation, include the North and Middle Forks of the Malheur River, both flowing on Forest Service and BLM lands, and Squaw Creek mentioned earlier, a tributary to the Deschutes, located in Deschutes and Jefferson Counties.

Rivers do not have to have outstanding qualities to be loved by those who frequent them. As with our children, it is only natural for people to come forth and protect and care for the ones they love. Through your efforts we will further define our goal as guardians and friends of Oregon's rivers.

Thank you very much.

Senator HATFIELD. Thank you.

## STATEMENT OF ALICE ELSOFF, OREGON NATURAL DESERT ASSOCIATION, BEND, OR

Ms. ELSOFF. My name is Alice Elsoff. I'm speaking for the Natural Desert Association. I want to thank you for your effort to protect Oregon's rivers.

We wholeheartedly support the wild and scenic designations proposed by this legislation, and we see the protection of these rivers as a splendid legacy to the state that you have represented so well for so many years. We also see it as a landmark precedent to revitalize river protection nationwide. I also am pleased to add a hearty welcome to you, Congressman DeFazio.

Our association, the Oregon Natural Desert Association, has a special interest in the rivers of the Oregon high desert, and the contributions they make to our last remaining natural desert systems.

We appreciate the opportunity to participate in this discussion bill, and we offer the following information to be considered. Details are attached for your review, so I will only highlight.

We concur on protection for the high desert rivers already included in this act, and if I didn't have to stick to business, I'd like to tell you about the three steelhead that I caught on a fly on the Lower Deschutes.

But in addition to these that you have already put on, we very much would like to see the following inclusions in this bill: Two inclusions on the Malheur and one on the North Fork Malheur has been submitted. We believe that 23 miles of the Chewaucan above the Paisley urban growth boundary deserves recreation status.

We are proposing a change from recreational to scenic on several sections of the John Day Main Stream North Fork and South Fork, as detailed in our written comments. ONDA has had a splendid—splendid retreat, a four-day trip down the John Day a month ago. It's just imperative that this river, surrounded by such lovely, natural desert, receive maximum protection.

We are also proposing a change from recreation to scenic on a portion of the North Fork Crooked River. We had a wonderful hike below the falls there last year, and will be going again next month above the falls to enjoy, among other splendors there, a rare mariposa lily that occurs in the area.

Please be assured of our support, and don't hesitate to call on us for help and information on high desert rivers.

Thank you very much.

[The prepared statement of Mr. Holmes follows:]

Honorable Mark O. Hatfield
Congressional Field Hearing
Omnibus Oregon Wild and Scenic Rivers Act of 1988
Bend, Oregon
May 30, 1988

Testimony of the **OREGON NATURAL DESERT ASSOCIATION**

Congratulations on your efforts to protect Oregon rivers. A less familiar part of Oregon, the high desert, contains a number of rivers included in your bill, the Omnibus Oregon Wild and Scenic Rivers Act of 1988. The Oregon Natural Desert Association has a special interest in the rivers in your bill that are in the High Lava Plains, the Blue Mountains, the Owyhee Uplands, and the Great Basin. The John Day river to the north, the Idaho boundary to the east, the California boundary to the south, and the Williamson and the Sprague rivers to the west generally define our areas of interest.

ONDA supports the National Wild and Scenic River designations proposed by this legislation. We encourage you to leave the protection of Oregon rivers as a legacy to the state that you have represented so well for many years. We recognize this legislation as a landmark precedent to revitalizing river protection nationwide.

ONDA supports your efforts, and will continue to do so. Since this legislation is a "discussion" bill, we offer the following information to be considered in the final draft. As representatives of Oregon's high desert rivers, and members of the Oregon Natural Desert Association, the collators of this information have specialized and accurate information about desert rivers, acquired by field trips and documented with field notes and photos. We support reasonable and judicious action to protect our vanishing river heritage. To this end, we are recommending some changes to the proposed designations which are attached for your review.

This bill will have both historical and national significance. On behalf of this and future generations of Oregonians we thank you.

Sincerely,

Matthew Holmes
ONDA Director

Rivers included in the Omnibus Wild and Scenic Rivers Act of 1988 that the Oregon Natural Desert Association supports designation of include:

Deschutes
Sycan
North Fork Sprague
White
Lower Williamson
North Fork Crooked River
Crooked River
South Fork Crooked
Grande Ronde
North Fork John Day
John Day
South Fork John Day
Donner und Blitzen
Big Indian Creek
Little Indian Creek
North Fork Owyhee
West Little Owyhee

Rivers not included in the bill which ONDA supports designation of are:

MALHEUR RIVER
The Oregon Natural Desert Association would like to recommend the inclusion of the Malheur River in the Omnibus Oregon Wild and Scenic Rivers Act of 1988, designated as follows:

NORTH FORK MALHEUR. The nine mile segment from the headwaters to the North Fork campground to be scenic. The segment from the North Fork Campground to the confluence with the Little Malheur River to be wild.

MALHEUR. The eighteen (approx.) mile stretch from Logan Valley at the confluence with Bosonberg Creek south to the public land boundary T. 18 S. R. 34 E. to be scenic. The twenty one mile segment from Riverside to Juntura to be scenic.

CHEWAUCAN
The Oregon Natural Desert Association would like to recommend the inclusion of the Chewaucan River in the Omnibus Oregon Wild and Scenic Rivers Act of 1988, designation as follows:

CHEWAUCAN: The 23 mile segment from the confluence of Falls and Dairy creeks to the Paisley urban growth boundary as recreational.

The Oregon Natural Desert Association recommends the following changes to the current Omnibus Oregon Wild and Scenic Rivers Act of 1988, regarding the John Day River: (changes underlined, original in ()).

NORTH FORK JOHN DAY
B) The seven mile segment from the North Fork of the John Day Wilderness boundary to Trail Creek as a scenic river (recreational).

E) The 3.9 mile segment from Texas Bar Creek to the Umatilla National Forest Boundary as a scenic river (recreational).

SOUTH FORK JOHN DAY.
A) The 48 mile segment from the Malheur National Forest to its confluence with the John Day River to be administered as a scenic river (recreational).

JOHN DAY
A) The 64 mile (approx.) segment from the confluence with Service Creek to the south intersection of T. 5 S. R. 18 and 19 E., Sections 36 and 31 on the west side of the river, on the boundary of Sherman and Wasco Co. as scenic (recreational) (with some exceptions for non-conforming private lands).
B) The 44 (31) mile segment from south intersection, township 5 south, range 18 and 19 east, section 36 and 31 on the west side of the river, on the boundary of Sherman and Wasco Co., to south intersection of township 2 south, range 18 and 19 east, section 1 and 6 as a wild river (wild and scenic).
C) The 39 (43) mile segment from south intersection of township 2 south, range 18 and 19 east, to Tumwater Falls as a scenic river (recreational).

NORTH FORK CROOKED.
A) Ochoco National Forest Boundary to the confluence of Fox Canyon Creek as a scenic river (recreational).

SQUAW CREEK
The Oregon Natural Desert Association would like to recommend the addition of Squaw Creek to the Omnibus Oregon Wild and Scenic Rivers Act of 1988, designated as follows:

SQUAW CREEK.
A) From the diversion upstream from Sisters to the slack water on Lake Billy Chinook with minor exceptions for specific features and private lands. From the diversion to Crooked River National Grasslands boundary recreational, wild through the Grasslands.

Senator HATFIELD. Thank you.

## STATEMENT OF TOM SMITH, OREGON NATURAL RESOURCES COUNCIL, BEND, OR

Mr. SMITH. Good morning, Senator Hatfield, Congressman DeFazio.

I'm Tom Smith from Yachats. I bring you greetings from the coast, and would like to invite you over for a summer vacation, if I knew when it would occur.

Senator HATFIELD. Thank you.

Mr. SMITH. The last one was last February, I believe, we had a week in February.

Senator HATFIELD. You bet.

Mr. SMITH. That's just a joke, of course. We love it over there.

I'm here to congratulate you, Senator, on the foresight that you've had to introduce this legislation to amend the Wild and Scenic Rivers Act of 1968, and it's my pleasure to add that congratulations, which I wasn't aware I was going to be able to do this morning, to Congressman DeFazio.

I certainly don't need to tell you that one of the greatest legacies we can leave to future generations is a portion of our environment left alone, not developed, not enhanced and not improved, but just left alone.

We're finally becoming smart enough to recognize that setting aside considerable space, forests, rivers and deserts and other natural places for undeveloped, nonconsumptive uses is a highly civilized and intelligent act.

In the final analysis, we have also realized that such civilized acts are very self-serving to the highest degree. Conversely, to say that we need to dam any more outstanding rivers, is to interpret the word "need" within a much narrower perspective than most informed people care to do nowadays.

Greed and the kind of politics it produces will probably forever keep us from being excellent stewards of the Earth's resources, but we do seem to be getting a little better at that; at least we're learning how to become good stewards.

In spite of the periodic setbacks of over-exploitation and neglect produced by our various levels of government, it's very encouraging to witness the surges of good stewardship shown by measures such as this bill, and you're undoubtedly aware that p[illegible] of what I would like to ask is that you add some things to that bill.

It would be easy to come up with many, many more rivers and sections of rivers which we'd like to have included, but that would just be window shopping. Surely the bills should include the following: The lower 33 miles of the Snake River, Walter Creek—Walker Creek, excuse me, the South Fork of the McKenzie River and the Klamath River.

Recent public opinion surveys, which ONRC—which I'm representing, Oregon Natural Resources Council Commission—showed that the majority of Oregonians want and will support greater protection of our streams from dams and other man-caused alterations.

It seems that most of us are ready to support the kind of leadership which will get us back on the track of taking the best care of our unique resources. We think that your bill, with some notable additions, will provide a lot of that leadership.

Thank you very much.

Senator **Hatfield**. Thank you very much.

## STATEMENT OF ALAN TRACY, JUNIPER CHAPTER, THE SIERRA CLUB, BEND, OR

Mr. **Tracy**. Morning, Senator, Congressman. My name is Alan Tracy, for the record, a member of the Oregon Chapter of the Sierra Club.

I'm pleased to speak today for the Sierra Club on behalf of two local Sierra Club Groups, the Juniper Group, with members in Deschutes, Crook and Jefferson counties, and the Klamath Group, with members in Klamath, Lake, Harney and Malheur counties.

Oregon Omnibus Rivers Bill is a significant step towards river protection in Oregon. The prospect of adding 40 or more Oregon rivers to the Wild Scenic Act is most encouraging to our membership. The role you have taken, Senator, is one of strong leadership. The nation can again look to Oregon for leading the effort to protect natural resources such as our deserving rivers.

The Sierra Club feels that wild and scenic designation is the kind of Federal protection needed for rivers on lands managed by Federal land management agencies. Rivers on state and private lands are also eligible for Federal protection.

Since the enactment of the Wild and Scenic Rivers Act some 20 years ago, Oregon's rivers have continued to be threatened by development. Examples of threatened rivers very precious to Oregonians come easy: The Klamath, Grande Ronde, Metolius, Breitenbush, Elk, the John Day. It is time to protect these outstanding rivers.

Several of these threatened rivers are not presently included in Senate Bill 2148. We would ask that you seriously consider adding them and any other deserved river to the list of 40.

The Oregon Omnibus Rivers Bill is comprehensive enough to provide representations of several types of river systems. We would like to see examples of: one, river segments having a basin wide approach to conservation and protection, the John Day as an example; an old growth stream segments such as the Elk; a nonforested deserted-type stream; four, a tidal river segment; five, a river with significant private land holdings such as the Little Deschutes.

Thank you, Senator, for the opportunity to speak in support of S. 2148 and for your consideration.

Senator **Hatfield**. Thank you very much, all of you.

**Speaker**. Senator, if you would, I would like to give to you a present from the folks of the Oregon Rivers Initiative and also you, Congressman DeFazio. These are our initiative T shirts and I hope you find them just what you need.

Senator **Hatfield**. Thank you.

May I invite Mr. Delbert Frank, Mr. Rod Cowapoo, Mr. Roy Hall, Mr. Chuck Kimbol and Mr. Jim Noteboom.

Gentlemen, you may proceed.

## STATEMENT OF DELBERT FRANK, CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION, WARM SPRINGS, OR, ACCOMPANIED BY JIM NOTEBOOM; NELSON WALLULATUM; AND DELVIS HEATH

Mr. **Frank**. Thank you, Senator Hatfield, Congressman DeFazio. My name is Delbert Frank, and I am a member of the Tribal Council of Warm Springs.

I present this testimony today on behalf of Confederated Tribes. Present with me today are tribal council members Nelson Wallulatum, who is also the chief of the Wasco Tribe, and Delvis Heath, who is also chief of the Warm Springs Tribe. Also present is our tribal attorney, Jim Noteboom, who is available to answer particular questions, if necessary.

The Intertribal tribes have a long history of protecting Oregon's natural resources. The Tribal Council applauds the effort to further protect the state's rivers. The tribes have a direct interest in the management of the—of a number of the rivers, including the bill that are within the tribes' ceded area. The ceded area consisting of approximately ten million acres is important to the tribes, because they retain important fishing, hunting and food gathering rights in this area.

These rivers include the Deschutes, Metolius, Little Deschutes, White and Crooked and the North Fork and the South Fork and main stem of the John Day River.

The Confederated Tribes support the inclusion of most of these rivers in the National Wild and Scenic River System. We hope sufficient provisions are made for the adequate protection of the Indian interest.

When the original Wild and Scenic River Act was adopted in 1968, virtually no consideration was given to the Indian interest. In fact, a recommendation of then the Secretary of Interior, Stewart L. Udall, that tribal lands only be placed within the system with the consent of the tribes, was modified and provision was made for condemnation of the tribal lands if the tribes chose to manage their lands differently from a plan adopted under the act. No provision was made in the act to protect the Indian treaty and property rights. The treatment accorded Indian tribes in the 1968 act is, of course, inconsistent with the current practice of Congress in according full and fair treatment to the interest of the Indian tribes.

Attached to this testimony is a brief list of a few of the items that the tribes believe needs to be addressed and for which we stand ready to work with you and your staff on resolving. Even though that we raise these issues, the Confederated Tribes would like to make it clear that we support the overall goals of the bill and are prepared to work with you to develop a bill that will be in the best interests of all Oregonians, Indians and nonIndians.

Thank you.

[The information referred to follows:]

## ISSUES RAISED BY THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION IN REGARD TO S2148

1. We are concerned that the mere fact that a river is designated as wild, scenic or recreational may serve to draw even more people to these rivers. This is of particular interest where the Metolius and Deschutes Rivers are concerned. On the Metolius River the Tribes have a policy of minimizing use and recreational development. The Lower Deschutes River is already overburdened and we are concerned that inclusion in the national system may only increase that problem.

2. There is no express protection for the sovereignty and jurisdiction of Indian Tribes and their treaty, water, or other property rights in the Bill.

3. The Pelton Hydroelectric project is of enormous economic importance to the Tribes, providing a large share of the revenues necessary to operate the Tribal government, including police, ambulance, court, and social services. It is unclear what impact the inclusion of the Deschutes and Metolius River would have on the Pelton relicensing proceeding that will commence in the next decade.

4. The Tribes have been a leader over the past 10 years in the development of joint management efforts on the Lower Deschutes and Metolius River. Provisions need to be made to insure that this Bill will not undercut those efforts. The Tribes strongly supported the formation of the Deschutes River Management Committee to develop a comprehensive management plan for the Lower Deschutes River. This Committee, formed by the last Oregon legislature, is making substantial progress towards the development of a plan that will protect this heavily used river. The Tribes were also the leader in the development of a recent Memorandum of Understanding among Federal, Tribal and State agencies for the development of a comprehensive management plan for the Lake Billy Chinook and Metolius River areas.

5. The Metolius River is designated as a "recreational river" indicating that the highest level of development under the Act would be permitted. Although that may be appropriate in the Camp Sherman area, it would be very inappropriate for the area adjoining the Reservation which, if anything, should be designated as a "wild river".

6. The Bill may jeopardize the Tribes' Whitewater River Hydroelectric project. The Tribes have completed a feasibility study for a hydroelectric project on the Whitewater River, which is entirely within the boundaries of the Reservation. However, the river does empty into the Metolius. Because of the large amount of glacial sediment in the river, there is no fishery and at some future date the Tribes may wish to develop this project.

7. The provision in the Act providing for condemnation of Tribal lands is inconsistent with current Federal policy and is unacceptable to the Tribes.

8. Designation of those portions of the Deschutes and the Metolius River adjoining the Reservation may raise divisive and inflammatory boundary issues. In the past, State, Tribal and Federal agencies responsible for management in these areas have agreed not to disagree about boundary locations and instead manage these areas cooperatively for the benefit of all.

9. Numerous segments of the Deschutes River are already included within the State Scenic Waterway System. Particularly on the Lower Deschutes, the comprehensive management system has evolved over the years under the State system. It is not clear what additional benefit inclusion in the Federal Act would provide.

10. The Bill may impair the ability of allottees to use their alottments along the Deschutes and Metolius Rivers.

11. Provision is made in the original Act for inclusion of State and local governments in the management process, where appropriate. No similar provision is made for Indian Tribes.

12. The Tribes should be free to develop their lands along the Deschutes and Metolius Rivers as they see fit. Consistent with the Federal policy of self-determination, Indian Tribes should be able to use these important lands in the manner that they deem best. With regard to the Metolius and Deschutes Rivers, the Tribes have generally followed policies calling for less use than either State or Federal policies. They should be free to do so in the future. In addition, as the Tribes have begun to explore expansion in the recreation industry on the Reservation they should be free to pursue those policies if they wish. Most of this country has gone through two centuries of industrial development that has dramatically decreased the number of wild and scenic rivers. However, the Tribes do not believe that they should be penalized for the lack of development that has taken place on the Reservation to date by losing th ability to develop the relatively modest resources that they have.

In conclusion the Warm Springs Tribes would like to make it clear that despite the issues we have raised during this testimony, we support the overall goals of the Bill and are prepared to work with you to develop a Bill that will be in the best interests of all Oregonians, Indians and nonIndians. Thank you.

Senator HATFIELD. Thank you, Mr. Frank, and you can be assured we'll work with the Indian tribes and councils on resolving any conflict of matters of treaty rights.

Who's next?

## STATEMENT OF ROD COWAPOO, COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION, PORTLAND, OR

Mr. COWAPOO. Senator Hatfield, members of the subcommittee, thank you for the opportunity to testify on this matter of great importance to the member tribes of the Columbia River Inter-Tribal Fish Commission.

My name is Rod Cowapoo, and I am chair of the commission. On behalf of the commission I would like to thank you, Senator, for your commitment to the cause of river protection in Oregon. As you know, the culture and the very existence of our member tribes is and always been tied to the rivers and streams of our ceded areas. The rivers are truly the lifeblood of our people.

During the 130 years since the signing of our treaty with the United States, we have seen our rivers dammed, diverted, clouded with sediment or dried up so the adult runs of salmon and steelhead decreased from between 11 million and 16 million to 2.5 million adult fish. However, through your cooperation and leadership on the U.S./Canada treaty, the Regional Power Act and other related issues, we now hope that our salmon and steelhead can be restored above the Bonneville Dam.

Our member tribes and the commission are actively engaged in the national forest plans process, and we are commenting on every forest plan that affect our fisheries, other cultural resources including the wildlife, the roots and berries of our sacred places.

Congressional action on S. 2148, with some modification, can ease the burden of protecting the national forest rivers, streams, and allow us to focus on other important public land issues affecting the full exercise of our treaty rights. The commission and our member tribes do have concerns that we will fully explain in our written testimony.

To summarize, we believe that this legislation should not be viewed by the Forest Service as the end of the obligation to the rivers protection, but only the beginning. The Forest Service should be encouraged by this legislation to develop fish resource management programs that protect fish runs migrating through reaches designated in this bill.

Also, in this regard, the legislation or its report language should specify the relationship between this effort and fishery protection policies included in the Power Council's Fish and Wildlife Program and the implementation of the U.S./Canada treaty, as well as treaties with the Columbia River Basin's Indian tribes.

Most importantly, from this commission standpoint, we strongly suggest that this legislation be used to enhance treaty rights, not in any way to limit and complicate the exercise of our treaty rights.

Again, Senator, thank you for your efforts on behalf of the Oregon rivers and its regional Indian tribes, and we are looking forward to present you with written testimony by June 15.

Senator **Hatfield**. Thank you very much. Any others?

## STATEMENT OF ROY HALL, SHASTA NATION, SUMMER LAKE, OR

Mr. **Hall**. Senator Hatfield, Congressman DeFazio. I'm Roy Hall, Chairman of the Shasta Nation. Shasta Nation appreciates the opportunity to express its concerns and interest regarding Senate Bill 2148.

We wish to thank Senator Hatfield for introducing this legislation and for considering inclusion of additional rivers mentioned in the House bill, especially the Upper Klamath River, which is of particular interest to the Shasta Nation. The Shasta also wish to commend the Senator for his inclusion of the Lower Williamson, the Sycan, the North Fork and Sprague Rivers in this bill. Because the Klamath Basin is an integral whole, maintenance of the values associated with each river within the basin, including their fisheries, requires integrated management. Designation of these rivers for wild and scenic status will promote that kind of management.

We stand together with the Klamath Tribe in supporting inclusion of these three rivers in this bill. The Shasta Nations aboriginal territory encompasses areas within southern Oregon and northern California. The Upper Klamath River, especially the segment that traverses the Klamath Canyon, has historically been and remains to this day, remains a focal point of Shasta's cultural heritage.

This area encompasses a significant part of the Shasta ancestral homelands, and is a location of some of the last remaining intact aboriginal sites. The area includes burial grounds of Shasta medicine persons as well as sacred ceremonial sites, which are the focus of present day Shasta religious and cultural activities.

Protection and preservation of the natural qualities of the Upper Klamath River is vital to the Shasta, because in doing so, we are seeking to protect that which is central to our tribal existence and experience: a connection to a home land and preservation of the cultural and spiritual relationship which that connection provides for present and future generations of Shasta. The construction of major water development projects in the Upper Klamath River is not consistent with preservation of these values.

Maintenance of the Upper Klamath as a free-flowing river unfettered by development is consistent with these values and with other aesthetic and recreational values shared by Indians and non-Indians alike.

Designation of the Upper Klamath River as wild and scenic in its inclusion in this bill is a proper, necessary and responsible way to preserve and protect these unique and irreplaceable values.

As a U.S. Senator, you are aware and can appreciate that the special trust relationship between the U.S. and Indian tribes must be based on respect for the rights and interest of the Indian people.

We, therefore, believe it essential that designation of these rivers as wild and scenic should not in any way operate to divest us or other affected Indian tribes of rights protected by Federal law or serve as a basis for abrogation of Indian rights preserved or confirmed by treaty.

Senator **Hatfield**. Thank you very much, Mr. Hall. Appreciate it.

Mr. **Hall**. Thank you.

## STATEMENT OF CHARLES KIMBOL, KLAMATH INDIAN TRIBE, CHILOQUIN, OREGON

Mr. **Kimbol**. Good morning, Senator Hatfield, Congressman DeFazio. My name is Chuck Kimbol, Sr.; I'm chairman of the Klamath Indian Tribe. I live in Chiloquin where the Sprague River flows into the Williamson. Thank you for inviting me to testify today on Senate Bill 2148. It is an honor to represent the Klamath people here.

Your bill will protect parts of three rivers in our former reservation area: The Williamson, the Sycan and the North Fork of the Sprague. We thank you for taking this important step, for these rivers have been part of the Klamath heritage, culture and spiritual life for over 14,000 years. They feed Upper Klamath Lake, a great fishery and recreational source in the Klamath Basin. These rivers are a precious resource for all Americans and need Federal protection.

You are known nationally for your work to protect the Indian rights. As you know, our tribe exercises treaty hunting and fishing rights which include the water rights to protect fish and wildlife in the old reservation area.

This area includes the Lower Williamson, the Sycan segment covered in Senate Bill 2148. We know you will protect our treaty rights in this bill and do nothing that might abrogate them.

To that end, we ask you to include a provision stating that the bill does not abrogate or affect Indian treaty or other established rights regarding the rivers named in it.

Finally, the Klamath Tribe asks that you add two river segments in the bill. They are the Upper Williamson, as suggested by Oregon Rivers Council, and the Klamath River, as stated in House Bill H.R. 4146. Both rivers have been and remain very important to the Klamath people.

The Upper Williamson in its natural state feeds Klamath North. The Marsh is a national wildlife refuge that shelters migratory birds and other wildlife. It is a major eagle feeding ground at different times of the year. The marsh is also a center of the Klamath culture.

The Upper Klamath River holds very deep meaning to Klamath people and to our neighbors, the Shastas. It was the site of major Klamath villages and our traditional salmon fisheries. A resource lost to all, not only the Klamath people, but to all the people of Oregon due to Irongate Dam. It is also a sacred place to the Klamath and Shasta people.

All of the rivers we speak of here today are important to all Oregonians and other Americans as well. They should be managed for enhancement of fisheries for all of our citizens. We know that you will work to do this.

On behalf of the Klamath Tribe I thank you again for the opportunity to testify on Senate Bill 2148.

[The prepared statement of Mr. Kimbol follows, the Annual Report was retained in subcommittee files:]

**The Klamath Tribe**
P.O. Box 436
Chiloquin, Oregon 97624
Telephone (503) 783-2219

May 30, 1988

## TESTIMONY OF CHARLES E. KIMBOL, SR.,
## CHAIRMAN, KLAMATH INDIAN TRIBE ON S. 2148

Good morning, Senator Hatfield. My name is Charles E. Kimbol, Sr. I live in Chiloquin, Oregon, where the Sprague River flows into the Lower Williamson River.

Thank you for inviting me to testify today on S. 2148, your Omnibus Wild & Scenic Rivers Bill. It is an honor to represent the Klamath people here and to speak for this historic legislation.

Your bill will protect parts of three rivers in our former reservation area, on the Lower Williamson, the Sycan, and the North Fork of the Sprague. We thank you for taking this important step, for these rivers are part of the Klamath heritage, culture, and spiritual life.

For over 14,000 years the Klamath people have lived, fished and hunted on the Williamson, Sprague, and Sycan Rivers. Today, these rivers remain very important to our traditional way of life. They provide a home for Lost River short nose, and large scale suckers, and trout. They feed Upper Klamath Lake, a great fishery and recreation resource in the Klamath Basin, endangered by low water flows. They give water to the mule deer and the elk and other wildlife. The lake needs the water of the rivers to

page

remain alive. The animals need the flows in these rivers to stay alive. Our people need the rivers to keep our culture alive. They have been our way of life for thousands of years.

These rivers are a precious resource for all Americans. They need federal protection. The Williamson is nationally known for its trout fishery. The Sprague River used to be known for its sucker fishery. But now the Lost River and Short Nose suckers are being listed as endangered species. Reduced water quantity and degraded water quality in the Sycan and Sprague Rivers have destroyed their habitat.

Without preservation efforts such as your bill, the suckers will be lost and with them a priceless part of all of our heritage. So we are glad to see you, Senator Hatfield, honoring these rivers by working to protect them from dams and other development at this point in time. Sound conservation practices must be applied on these rivers to increase water quantity and rebuild water quality so that fish and wildlife habitat is enhanced and protected.

You are known nationally for your work to protect Indian rights. As you know, our Tribe exercises its treaty hunting and fishing rights, which include water rights to protect fish and game, in the old Reservation area. This area includes the Lower Williamson segment and the Sycan segment covered by S. 2148. We know you will protect our treaty rights in this bill and do nothing that might abrogate them. To that end, we ask that you include a provision stating that the bill does not abrogate or affect Indian treaty or other established rights regarding the rivers named in it.

We also ask that you provide for comanagement of these three rivers by the Klamath Tribe and the United States Forest Service. As you know, we have comanaged fish and wildlife on our former reservation with the Oregon Department of Fish & Wildlife for over 10 years as a result of a federal court consent decree in **Kimball v. Callahan.** It is a positive working relationship. We have the capability to comanage these rivers and the adjoining lands with the Forest Service, which we have also worked with on fish and game issues for over a decade. Congress has spoken to tribal comanagement by the Yakima Tribe in wild and scenic legislation on the Klickitat River in Washington.

Finally, the Klamath Tribe asks that you add two river segments to your bill. They are the Upper Williamson, as suggested by Oregon Rivers Council, and the Klamath River, as stated in the House Bill, H.R. 4146. Both rivers have been and remain very important to the Klamath people.

The Upper Williamson, in its natural state, feeds Klamath Marsh. The Marsh is a National Wildlife Refuge that shelters migratory birds on the Pacific Flyway and other wildlife. It is a major eagle feeding ground at different time of the year. The Marsh is also a center of Klamath culture, with its rich, traditional wocus grounds, water fowl, and muskrat. We retain treaty rights on the River and the Marsh. The Marsh needs the flows from the Upper Williamson to survive. The river itself is also important to us for the native trout and other fish.

The Upper Klamath River holds very deep meaning to the Klamath people and to our neighbors, the Shastas. It was the site of major Klamath villages and our traditional salmon fishery, a resource lost to not only the Klamath people but to all the people of Oregon due to Irongate Dam. It is also a sacred place to the Klamath and the Shasta people. Protecting the Upper Klamath is necessary to saving Upper Klamath Lake, the Williamson River, and the whole Klamath Basin. One more dam on the Klamath will mean more water released from Klamath Lake, which is already threatened today by releases for power generation and irrigation. We will provide documentation prepared by our tribal biologist and staff on the importance of preserving the remaining free flowing Upper Klamath River the other rivers I have talked about by the close of written testimony.

All of the rivers we speak of here today are important to all Oregonians and other Americans as well. They should be managed for enhancement of the fisheries for all of our citizens. We know that you will work to do this.

On behalf of the Klamath Tribe, I thank you again for the opportunity to testify on S. 2148, a very good step to protecting Oregon rivers, and I hope that it will help you to understand the value of these rivers, including the Upper Klamath and the Upper Williamson, to the Klamath Tribe.

Senator HATFIELD. Thank you, Mr. Kimbol.

We are very privileged this morning and very grateful to Catherine Teach, who is our stenotypist and has been taking down every word, and will make the record true to form from her effort. And on her behalf we will now declare a ten-minute recess.

[Whereupon from 10:10 to 10:25 a recess was taken.]

Senator HATFIELD. I would like now to invite to the witness table Mr. Don Zupan, Mr. Charles Cusack, Mr. Michael Donnelly, Mrs. Becky Johnson, Ms. Betsy Johnson, Mr. Forrest Meuret.

All right, you may proceed.

## STATEMENT OF CHARLES CUSACK, SUNRIVER OWNERS ASSOCIATION, SUNRIVER, OR

Mr. CUSACK. Senator Hatfield, my name is Charles Cusack, and I have been a resident of Sunriver since 1976. I am a past president and member of the board of directors of the Sunriver Owners Association.

The testimony that I shall present reflects both my personal view and those of the Sunriver Owners Association, which I have been authorized and requested to offer on behalf of that association.

The Sunriver Owners Association supports the addition of segments of some 40 rivers to the wild and scenic waterways system. Appropriately, we wish to direct our remark to the Deschutes River, and in particular, the section between Wickiup Dam and Benham Falls.

Sunriver is celebrating its 20th anniversary this weekend. Our 3,400 owners and assessed values exceeding 250 million dollars represent significant contribution to Deschutes County and the State of Oregon. It is highly unlikely that Sunriver would exist or have achieved such a high level of success, were it not for the presence of the Deschutes River, which forms the western boundary of our development for roughly nine miles. This is a prime example of the importance of preserving a river environment in an essentially natural undeveloped state, as a major source of recreation and for the income derived from it.

With the river to be developed for hydropower, mining or other aesthetically undesirable purposes, the recreational value of the waterway would be seriously and adversely impacted. Furthermore, the proposed assignment of the three river segments between Wickiup Dam and Bend, to either scenic or recreational categories, does not totally preclude development, but does assure that any development permitted will be compatible with preservation of the fine recreational values we now enjoy.

Hence, the Sunriver's Owners Association and I personally strongly support Senators Hatfield and Packwood's thoughtful legislation as both beneficial to Oregonians and visitors to our state now and for the generations to come.

Thank you very much.

Senator HATFIELD. Thank you.

## STATEMENT OF ELIZABETH JOHNSON, REDMOND, OR

Mrs. JOHNSON. Senator Hatfield, Congressman DeFazio and members of the hearing panel, for the record, my name is Elizabeth H. Johnson. I'm the widow of Samuel S. Johnson, a long-time member of the Oregon legislature and Mayor of Redmond at the time of his death in 1984. He also was a member of the advisory group to the National Public Land Law Review Commission and a member of many other land use and conservation-oriented groups.

I reside at 415 South Canyon Drive in Redmond, and I'm the owner of approximately 157 acres of forested land in Jefferson County, which includes the several springs from which the Metolius River arises. There were 160 acres in the property before the donations and easements were accomplished.

Noting, Senator, your speech on the Senate floor says that this bill is evolving; that it's a pliable document; that timber management, fishery restoration, private or Indian rights and so forth, have no priorities in this bill, but will be discussed as the bill evolves, I am here to applaud your efforts and those of Senator Packwood and Congressmen DeFazio, Les AuCoin, and others, in preserving and enhancing Oregon's natural assets, and the public's access to enjoy them.

At the same time, as the surviving spouse of a person who, since 1925, was the owner of those 160 acres, and as someone who joined him wholeheartedly in working to preserve the whole area, but especially the viewpoint across the meadow to Mount Jefferson and the scenic spring which is nearby, I am concerned about the definition of the words "source of the Metolius" and what will be the impact on that very fragile area under the provisions of S. 2148 and its parent bill, the Wild and Scenic Rivers Act.

Because of the time limitations for this testimony, I can do little more than to outline what the record and the place itself will show as to Sam's and my concern for the public safe and free access to the viewpoint, while at the same time preserving the natural beauty and serenity of the area.

I refer specifically to the management of the forest, the protection and enhancement of the spawning grounds for trout, salmon and kokanee, cooperation with the fish and wildlife service, the State Forestry and Transportation Departments and the U.S. Forest Service, the protection of wildlife and birds of all kinds, control of porcupine, gopher and mole damage, protection against fires and cooperation with fire supression, protection against the Western pine beetle, the case bearer larvae, the tent caterpillar, and other threats to the various species of trees and shrubs.

Those continued objectives and practices are confirmed in the legal documents which I would like to have entered into the records of these hearings. They include the warranty deed dated July 19, 1925, transferring the property to Sam; second, the document transferring the donation area of .79 acres to the U.S. Forest Service, Department of Agriculture dated September 6th, 1967; third, the establishment of a scenic easement over 1.02 acres at the headwaters and setting forth conditions. This document is also dated September 6th, 1967. The document providing for the moving of forest road number 113—I won't have time to go through them; you have all those documents.

Senator **Hatfield**. We have.

Mrs. **Johnson**. The chief point that I wanted to make in this whole thing is, the wording indicates the very purpose of your bill, I think, and also indicates that very often, private owners close by can exercise extremely good stewardship that sometimes can't be exercised by bureaucracies at some distance.

Thank you.

[The prepared statement of Mrs. Johnson follows, the information referred to was retained in subcommittee files:]

5/30/88

Senator Hatfield, Members of the Hearing Panel:

For the record, my name is Elizabeth H. Johnson, widow of Samuel S. Johnson, long-time member of the Oregon Legislature and Mayor of Redmond at the time of his death in 1984. I reside at 415 S. Canyon Drive, Redmond, Oregon, and am the owner of approximately 157 acres of forested land in Jefferson County, which includes the several springs from which the Metolius River arises. (There were 160 acres in the property before the donations and easements were accomplished.)

Noting your speech on the Senate floor March 4, 1988, says that this bill is evolving - that it is a pliable document - that timber management, fishery restoration, private or Indian rights, etc., have no priorities in the bill - but will be discussed as the bill evolves, I am here to applaud your efforts and those of Senator Packwood in preserving and enhancing Oregon's natural assets and the publics' access to enjoy them.

At the same time, as the surviving spouse of a person who since 1925 was the owner of 160 acres in ~~Jefferson County which contains the springs from which the Metolius River comes full-blown at the base of Black Butte~~ - and as someone who joined him wholeheartedly in working to preserve the whole area - but especially the view~~point~~ across the meadow to Mt. Jefferson and the scenic spring which is nearby, I am concerned about the definition of the words "source of the Metolius" and about what will be the impact on that very fragile area under the privisions of S 2148, and its parent bill, the Wild and Scenic Rivers Act of 1968.

Because of the time limitations for this testimony, I can do little more than to outline what the record - and the place itself - will show as to Sam's and my concern for the public's safe and free access to the viewpoint, while at the same time preserving the natural beauty and serenity of the area. I refer specifically to the management of the forest; protection and enhancement of the spawning grounds for trout, salmon and kokanee; cooperation with the Fish and Wildlife Service, the State Forestry and Transportation Departments and U.S. Forest Service; the protection of wildlife and birds of all kinds; control of porcupine, gopher, mole damage; protection against fires and cooperation with fire suppression; protection against Western pine beetle, the case-bearer larvae, the tent caterpillar and other threats to the various species of trees and shrubs. Those continued objectives and practices are confirmed in the legal documents which I would like to have entered into the records of these hearings. They include:

1. Warranty Deed, signed July 19, 1925, transferring the described property to Sam S. Johnson.
2. Document transferring the donation area of .79 acres to the U.S. Forest Service, Department of Agriculture, dated September 6, 1967.
3. The establishment of a Scenic Easement over 1.02 acres at the Headwaters, and setting forth conditions. (This incidentally, took several years and thousands of dollars

in legal fees to complete and was, at the time as I recall, the first of its kind executed by the Department of Agriculture.) This document is dated September 6, 1967.

4. Document providing for the moving of Forest Road 113, at the time a dusty, almost one-lane road which cut across the property and passed directly over the top of the viewpoint spring. Because of our concern about the damage done by vehicles which were at the time (1947)able to be driven down to the springs, because large sightseeing buses were carrying hundreds of people over that road and had no way of turning around; because artists had dust blown onto their canvases and photographers and just plain viewers and seekers of peace and beauty were disturbed; and because Sam was unable as an individual to move the road, he had executed the documents regarding relocation of the road. Document dated April 29, 1967.
5. His concern for the elderly and the handicapped resulted in his deeding that portion of the property to the Forest Service for providing a paved (or black-topped) path from the parking lot. Document for the dedication of eight additional feet (four on each side of the path) to provide for rustic fencing and natural landscaping. This document is dated August 15, 1970.
6. Letter of attorney Orval Hager, of Miller, Nash, Wiener, Hager and Carlsen, concerning the proposed Wild and Scenic River bill. [1]

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[1] Mr. Hager was Sam's legal counsel during the years when negotiations were in progress. He is the Attorney for the Estate. In his files and those of Miller Nash (formerly King Miller, Anderson, Nash and Yerke) are the complete records.

I'll leave it to you to interpret all the legal provisions and protections including the public's access to the area, always referred to as "recreation" or "public-park".

I have high-lighted in yellow some of the wording which clearly states the purposes of the Grantor in making these gifts and executing the easements. For example, in the document entitled "Deed and Easement," it says "WHEREAS Grantor and the United States of America, hereinafter called 'Grantee' desire to maintain the natural beauty of the Headwaters of the Metolius River and to afford the public access thereto to observe the natural beauty thereof, and WHEREAS Grantor and Grantee desire to prevent any developments that will tend to mar or detract from the natural beauty of the Headwaters of the Metolius River or to degrade the character thereof, and desire to minimize hazards to the public in reaching the area, and WHEREAS Grantee (the U.S.F.S.) desires to establish and exercise such reasonable controls over the land and easements herein conveyed by Grantor to Grantee as may be necessary to accomplish said objectives". It also clearly describes the purpose as "public recreation" and enjoyment. It describes the time as "forever" subject to described "limitations upon both Grantor and Grantee."

It seems to us that these actions and existing provisions accomplish what is desired in the Scenic and Wild Rivers Bill and S 2148.

At the same time, they also indicate that responsible private stewardship can accomplish what large distant bureaucracies often cannot.

I have tried to be as impersonal as is possible for me under the circumstances. However, there is nothing impersonal about my recollections of Sam and his interests in maintaining and protecting and making it possible for others to enjoy that very special place.

That includes memories of "policing" the headwaters area every time we went up there, picking up discarded trash, cigarette butts, bottles and cans - furnishing trash containers - and putting up signs and rustic fences to keep people from walking around the fragile area at the springs, or sliding down the banks to get into the water. He did what he could to keep persons from walking down the spring bed, overturning rocks to get those little stone-encrusted worms used for bait. He was the official gopher and mole "bomber" in the family, and he marshalled the troops of young people who helped with the needle-raking and the weed-pulling to keep the channels open. He built cages to put around the trees and shrubs to protect against predators. He actively pursued hunters of deer and wild fowl, and helped establish the State game preserve.

He helped families arrange to scatter ashes of friends and acquaintances who wished to become a part of that lovely spot. That's where he is now.

Often, when we'd be travelling and oh-hing and ah-l-ling about the beauty of some part of the world; including forested areas in Chile, Switzerland, New Zealand, France or Germany, Sam would nudge me with his elbow, lean over and whisper "We could be up on the Metolius". That said it all.

Senator HATFIELD. Thank you, Mrs. Johnson.

## STATEMENT OF BETSY JOHNSON, SCAPPOOSE, OR

Ms. JOHNSON. Senator Hatfield, I'm Betsy Johnson. And although I currently live in Columbia County, I'm Sam Johnson's daughter and personal representative of his estate, including 160 acres at the headwaters of the Metolius.

I grew up in Central Oregon; much that time was spent on the Metolius. The definitions that will ultimately arise from your proposed extension of the Wild and Scenic Rivers Bill deserve careful review. I know that you will look at every conceivable impact of the proposed designation, not the least of which is the total impact on private property; not just condemnation, but all use issues.

I have special concern about those several springs, and there are several, not just one, that constitute the headwaters of the Metolius. While the real source of the Metolius is shrouded in geological mystery, the main springs arise in approximately the geographic center of our property. Whatever happens at the headwaters naturally impacts our remaining land. Although governed by significant management requirements, including stringent Jefferson County land use planning and zoning, much of what is being done would be required. However, my parents voluntarily elected to expand the scope of their responsibility to protect the headwaters.

The terms of their gift to the Federal government are guaranteed in perpetuity. It took about ten years to execute the gift of land that Mother referred to. This donation of land was really promoted by the increasing public use of the headwaters. My parents knew they would have to have help in preserving the area, while at the same time keeping it accessible to the public. The house and use of the property has been enjoyed by arrangement ever since Sam owned it. On occasions when we've had unauthorized uses there have generally been some untoward results. We are still cleaning up after an abandoned campfire started a small forest fire not long ago near the springs.

Sam balanced public access against private stewardship. There are some cases in which people need to be kept away. The protection from use and of use is often as important to the public as public access. That aspect of protection and preservation frequently falls to the private property owner, whoever that is.

We sometimes make the erroneous assumption that once something is entrusted to the public or the government at whatever level, that the standard of care is elevated. When something belongs to the public there is also a natural assumption of a public right. A special designation tends to expand the public perception of that right.

In the case of the entire Metolius, this could be seriously—and I'm tempted to use the word fatally—damaging. If a designation implies expanding the use that river banks, river bottoms, springs and adjacent lands are subjected to, the natural outcome is potential defeat of what exactly this bill sets out to do, that is to preserve and protect.

The Metolius headwaters are not marred by neglect. Quite the contrary, the record my mother has introduced and other evidence including the firsthand knowledge of some people in this room, indicate the kind of care provided by our private stewardship. I would maintain that these efforts, now binding legally forever, resulted in an area protected for the benefit and enjoyment of present and future generations.

As the final language of the bill is formulated, I would ask for your careful review of those definitions that impact private land already clearly and continuously managed for public use.

Thank you very much.

[The prepared statement of Ms. Johnson follows:]

I am Betsy Johnson. Although, I currently live in Columbia County, I am Sam Johnson's daughter and personal representative of his estate. I grew up in Central Oregon. Much of that time was spent at the Metolius River.

No right thinking Oregonian doubts that our rivers represent a precious resource worthy of best efforts to protect. I certainly feel this way and drove to Bend today to attend my second set of hearings on S. 2148.

The Deschutes and Metolius are terribly important to this part of Oregon where tourism, timber and farming (this includes tree farming) are natural components of economic well being. The views you will hear span the spectrum. They are commercial views, development oriented, environmental, economic, political, and emotional.

I cannot speak for the Deschutes as much as I can for the Metolius. From the time I was a little girl, a sense of the "specialness" or uniqueness of the Metolius was drummed into my thinking. This was not merely a philosophical mindset, I have picked up my share of trash, planted trees, burned pine beetle infestation, put out salt for deer, posted no fishing signs, asked people to leave fish and bird habitat undisturbed--the list goes on. I genuinely believe that I share some degree of personal responsibility for protecting this river.

My father and mother were (and mother still is) a member of the citizen's advisory group to the Deschutes National Forest (continued even when no longer required by law because the Deschutes National Forester and his staff believed so strongly in citizen involvement). Both were members of the Little Buck Conservation group (in fact helped organize it). Under the leadership of Ret. Col. Jess Butler, this diverse group worked for 2 years to develop a sensible timber management plan for the Metolius Corridor. This was not an easy process. With the common goal of defining the "best" way to proceed. they were asked to balance competing needs and still achieve a reasonable approach to manage and protect the Metolius River, the old-growth forest, the rights of homeowners and taxpayers with the special interests of industry, environmental concerns, fishermen, and tourists. Their participation is especially note worthy because the outcome neither of the Deschutes National Forest plan or the Little Buck sale directly affected our property. They were involved because they cared about the future of the Metolius.

The definitions that will ultimately arise from your proposed extention of the Wild and Scenic Rivers bill deserve the same kind of careful review and consensus building that the Little Buck received.

I know that you will look at every conceivable impact of the proposed designations, none the least of which is the impact on private property rights.

As the personal representative of Sam's estate, as Sam's daughter and heir to his 160 acres in Camp Sherman, I have a special concern about those several special springs, and there are several not just one that constitute the headwaters of the Metolius.

While the real source of the Metolius is shrouded in geological mystery, the main springs arise approximately in the geographic center of our property. Whatever happens at the headwaters naturally impacts our remaining land. Already governed by significant management requirements, including stringent Jefferson Co. land use planning and zoning (this property is zoned for forest management), my parents voluntarily elected to expand the scope of their responsibility to protect the headwaters. Their terms of their gift to the Federal Government are guaranteed in perpetuity. Their heirs and assigns are held by the same legal obligations.

My mother has provided documentation about Sam's longstanding concern for public access.

Even before he joined the Oregon legislature, he was used to looking at the public point of view. It took about 10 years to execute the gift of land that mother referred to. This donation of land was really promoted by increasing public use of the headwaters. Mother and Sam knew they had to have help in preserving the area, while at the same time, keeping it accessible to the public.

The house and use of the property has been enjoyed by arrangement ever since Sam owned it. On the occasions when we have had unauthorized uses, there have generally been some untoward results. We are still cleaning up after an abandoned camp fire started a small forest fire not long ago near the springs.

But Sam also balanced public access against private stewardship. There are some cases in which people need to be kept away. The protection from use and abuse is often as important to the public as public access. That aspect of protection and preservation frequently falls to the private property owner--whoever it may be.

We sometimes make the erroneous assumption that once something is entrusted to the public or the government (at whatever level) that the standard of care is elevated. This is not always born out by the facts. When something "belongs to the public" there is also a natural presumption of a public right. A special designation tends to expand the public perception of that right. In the case of the metolius this could be seriously--I am tempted to say fatally--damaging.

If a designation implies expanding the use that river banks, river bottoms, springs or adjacent lands are subjected to, the natural outcome is potential defeat of exactly what this bill sets out to do--to preserve and protect.

If the headwaters and downstream banks should be over used by the public, it would destroy that magnificient part of the river as well as potentially degredating down stream flow, to say nothing of fish habitat and spawning grounds.

People would not come to see springs sunk in mud, and that is what would happen. I know that from a time when the public could get right to the water's edge. The vegetation was walked over and the springs were in jeopardy.

No one wants to see springs or river banks riddled with worn paths, littered with trash of all sorts, or springs whose channel is obliterated by grass and weeds in the river bed. The view would not be as spectacular with unmanaged or untrimmed shrubs.

The Metolius is not marred by neglect. Quite the contrary, the record my mother introduced and other evidence including the first-hand knowledge of some people in this room indicate the kind of care provided by our private stewardship. I would maintain that these efforts now forever binding resulted in the Metolius being preserved in its free flowing condition and protected for the benefit and enjoyment of present and future generations.

As the final language of the Omnibus Scenic and Wild Rivers bill is formulated I would ask for your careful review of those definitions that impact private land already clearly and continuoulsy managed for multiple use. I urge the committee in their considerations to pay particular attention to the care and nurture that some private owners have given to Oregon's rivers.

Senator **Hatfield**. Thank you, and I can testify to what you have said, being very familiar with that property. And our staff will be out there this afternoon to take a look at it.

## STATEMENT OF MICHAEL DONNELLY, OREGON NATURAL RESOURCES COUNCIL, SALEM, OR

Mr. **Donnelly**. Senator Hatfield, Congressman DeFazio and staff, I'm Michael Donnelly. I'm speaking as president of Oregon Natural Resources of the Cascades, and I want to thank you for this, what I see as monumental effort of the stewardship of a precious resource.

Last week I raft-tripped on the Rogue River in Southern Oregon. During the week I was consulting with a mining company that's on the Little North Fork of the Santiam. Last night I spent the night at friends that have a ranch on the Deschutes River who have a small hydroplant.

I'm sure people speak here about all the resources and commercialization of resources and ultimate uses of the resources. It's a decision worthy of Solomon, and I'm glad you're willing to take this task on.

I just want to add that I'm here to put in a plug for the Breitenbush River as others have, and also for the Little North Creek of the Santiam and Opal Creek. The staff have come up with the designations we concur with and we're really glad to see all the bill and we'd like to see these additions, as well.

Senator **Hatfield**. Thank you.

## STATEMENT OF DON ZUPAN, SAVE OUR KLAMATH RIVER, KLAMATH FALLS, OR

Mr. **Zupan**. Senator and friends, my name is Don Zupan and I'm from Klamath Falls. I'm the past chairman and current vice chairman of Save Our Klamath River. I believe my experiences with Save Our Klamath River, as president of the Klamath Country Flycasters, and as regional director for Oregon Trout, have given me the experience and expertise to comment this morning. I am, however, speaking today only for Save Our Klamath River.

We applaud your efforts to undertake such a task to as this Omnibus Rivers Bill. It is a positive step toward the wise use of what remains of our river resources.

We do have some recommendations and I might add, before I give my Klamath River recommendations, that I would like to personally see the Steamboat Creek included on the bill. The North Umpqua is a world-renowned summer steelhead fishery As the major spawning tributary for the wild run of fish in that system, Steamboat Creek should be preserved.

Now, for the Klamath River. I would urge you to include the Upper Klamath River in your bill. I understand that you omitted the Klamath because you did not want to shortcut the Salt Cave Dams FERC process. Those concerns are more than understandable. A process isn't worth much if it isn't allowed to run its course.

We are concerned, however, and mind you not with the Klamath's ommission from your bill, but with the FERC process itself and FERC's reputation for greasing hydropower projects. FERC generally deals with the economics, engineering and technical aspects of hydrofeasibility, wild life, river recreation and aesthetics are generally forgotten in lieu of mitigations which historically have proven to be less than adequate. We fear that the Upper Klamath will get lost in that FERC process.

The Klamath has received more attention as a wild trout fishery and as a first class white water recreation resource lately. As Larry Tuttle mentioned, we, and the majority of people locally and regionally, support the Klamath River, and that support is getting stronger as more people become aware of this resource.

True, part of the reason for the notoriety is because the river is in danger of being dammed. Traditionally, that has been the case for all river preservation causes. Why save a river that is not in danger. Often, we wait until the river has been so abused that we seek to preserve it out of a mere sense of shame. Your bill is landmarked for that reason. It seeks to protect some streams from their imminent destruction for their depletion and alteration. It represents an ounce of prevention before the pound of mitigation. I applaud you for that particular idea behind your bill.

We would urge you to add the Klamath River to your bill to help preserve and protect a beautiful river, as well as an emerging white water rafting and river recreation economy for the Klamath region.

Thank you.

[The prepared statement of Mr. Zupan follows:]

## DON ZUPAN-SAVE OUR KLAMATH RIVER

Senator and friends,

My name is Don Zupan. I am from Klamath Falls. I am the past chairman and current vice-chairman of Save Our Klamath River (SOKR). I am an educator by profession. I believe my experiences with SOKR, as president of the Klamath Country Flycasters, and as a regional director for Oregon Trout have given me experience to comment this morning. I am, however, speaking today only for SOKR.

We applaud your efforts to undertake such a task as this omnibus rivers bill It is a positive step toward the wise use of what remains of our river resources. We do have some recommendations.

First, I personally would like to see the inclusion of Steamboat Creek. The North Umpqua is a world renowned summer steelhead fishery. As the major spawning tributary for the wild run of fish in that system Steamboat Creek should be preserved.

Second, I am here to urge you to include the Upper Klamath River in your bill. I understand that you omitted the Klamath because you did not want to shortcut the Salt Caves dam FERC process. Those concerns are more than understandable. A process isn't worth much if it isn't allowed to run its course. We are concerned, however, and mind you not with the Klamath's omission from your bill, but with the FERC process itself and FERC's reputation for greasing hydropower projects. FERC generally deals with the economics, engineering, and technical aspects of hydo feasibility. Wildlife, river recreation, and aesthetics are generally forgotten in lieu of mitigations which historically have proven to be less than adequate. We fear that the Upper Klamath will get lost in that process. The Klamath has received more attention as a wild trout fishery and as a first class white water recreation resource. We and a majority of people locally and regionally support the Klamath River and that support is getting stronger as more people become aware of this resource. True, part of the reason for the notoriety is because the river is in danger of being dammed. Traditionally that has been the case for all river preservation causes why save a river that is in no danger? Often we wait until the river has been so abused that we seek to preserve it out of a mere sense of shame. Your bill is landmark for that very reason-it seeks to protect some streams from their eminant destruction or further depletion and alteration. It represents an ounce of prevention before the pound of mitigation.

We would urge you to add the Klamath to your bill to help preserve and protect a beutiful river as well as a bourgeoning whitewater rafting economy for this region.

Cordially,

Don Zupan

Don Zupan-Vice -chair.
Save Our Klamath River
PO Box 1956
Klamath Falls, OR 97603

Senator **Hatfield**. Thank you.

## STATEMENT OF FORREST MEURET, OREGON WILDLIFE FEDERATION, MADRAS, OR

Mr. **Meuret**. Thank you, Senator Hatfield and Representative DeFazio. I am Forrest Meuret of the Oregon Wildlife Federation. We especially appreciate concerns in this area. We like the House bill best, because it particularly prohibits Elk Creek Dam and Salt Cave Dam that we consider very, very harmful.

We—one of the things that—one of the problems with these things is that some people don't understand the economic impact of recreational activity, and it's excusable by a lot of us because there's continually effort—continuing efforts to cloud the issue.

I would like to submit that if the timber industry, for example, is as interested in jobs as they say they are, they might begin by calling immediately and conclusively export of logs, because that's a reporting job.

I could point out other things. I own, together with my bride of 53 years, a piece of the north unit irrigation district. We live on it; we have eighty-seven and nine tenths acres of forest, and so I'm not just solely interested in this from a supporting or other point of view, but I think that very often, irrigation interests have fooled themselves, that attention to our riparian area will get them more or less water, well, with everything else, from power, all of those things. And the dams in the Deschutes and the one on the Crooked River, have the river blocked, the salmon fishery, from those sources as far as Alaska.

We—our impact is not just local. We shouldn't just consider it. In the interest of someone who would like—hope he might want to build some day, or something of that kind; we have a much broader responsibility.

I would like to submit, further, that we have not yet learned to live within our means on this earth. We continue to diminish it. Thank you. That can only lead to potential disaster.

Thank you.

Senator **Hatfield**. Thank you very much. Thank all of you.

Mr. Rob Freres, Mr. Bob Flint, Mr. Wayne Giesy, Mr. Jim James, Ms. Margaret Forsythe.

You may proceed. Former Representative Wayne Giesy.

Mr. **Giesy**. How are you, Mark?

Senator **Hatfield**. Good to see you. You may proceed.

## STATEMENT OF WAYNE GIESY, HULL-OAKES LUMBER CO, MONROE, OR

Mr. **Giesy**. Mr. Chairman, Congressman DeFazio, my name is Wayne Giesy and I'm sales manager for Hull-Oakes Lumber Company. Among my many duties for the company I'm assigned political matters, and as some of you can attest to this by the many letters you receive from me.

The owner of Hull-Oakes Lumber Company, Ralph Hull, and his family, have approximately four miles of river frontage on the Alsea and South Fork, and their roots are deep in this area as ancestors owned several homesteads on the South Fork. My wife owns

50 acres four miles west of Alsea, so I not only speak for a company, but also for a small land owner. Today I'm asking you to withdraw the Alsea River from Senate 2148.

The citizens of the Alsea valley, and in state government agencies, have done an excellent job on the Alsea River without any assistance or regulations from the Federal government. The Forest Service and BLM presently own six parks along the river.

In 1964, prior to the Wild and Scenic River Act, Hull-Oakes Lumber Company established the Hubert K. McBee Memorial Park on the South Fork of the Alsea. Pictures of the park and the two 85-foot picnic tables are attached to this statement. This park has been open to the public at no cost to the picnicker or government. In the same period, Margaret Hull, Ralph's wife, served on the county park board, and Rex Clemens, a sawmill man, and donated land for a park on the North Fork of the Alsea. There are close to a dozen boat landings on the river open to the public, and this does not include private access.

Fishermen who have used the river for 40 years will attest to the fact that water quality is better today than any of the previous years, and the river banks are kept in excellent condition. The State of Oregon recently enacted specific regulations for riparian area of any stream or river in Oregon. The new State Board of Forestry, appointed by Gov. Neil Goldschmidt, have a very aggressive agenda to work with the state and county agencies, as well as the private sector, to protect the wildlife, the fisheries and our natural resources. All this is being done at no cost to the Federal Treasury.

In addition, any erosion of private ownership along the river will again diminish the tax base for schools and other local requirements. We have been told that you would not use the right of condemnation, but if it was not to be used, condemnation provisions would not be in the act. I have cited only two projects by civic-minded citizens of the area, but this same attitude is prevalent from the source to the mouth of the Alsea River. We are jealous of our right to protect the Alsea River, and do not believe that any additional layer of government regulations will improve on what the citizens of the Alsea valley have done. Hundreds of individuals own a little over 75 percent of the river frontage. There are few individuals along the river who do not welcome the public, but the situation would be the same if you controlled the river. This entire bill should be put on hold until the so-called environmentalists stop the frivolous lawsuits that damage our communities. They act like a bunch of spoiled brats and they're never satisfied with anything that the U.S. Congress sets aside, and they always want more.

I respectfully request that you remove the Alsea River from 21—Senate 2148 today.

Senator **Hatfield**. Thank you.

Wayne, over the years you've always been ambiguous.

## STATEMENT OF ROB FRERES, FRERES LUMBER CO, LYONS, OR

Mr. **Freres**. Good morning, Senator, Congressman. For the record, my name is Robert Freres, Jr. I reside at 4035 Copper Glen Court in Salem. I am vice president of Freres Lumber Company.

Our company is located in the Santiam Canyon area of Oregon. We have two plants which operate in Mill City and two plants in Lyons, Oregon. I am testifying before you today in opposition to the proposed inclusion of Opal Creek and the Breitenbush River to the National Wild and Scenic Act legislation.

For a number of years, the Santiam Canyon has been dealing with the issues that surround the scenic river designation. Opal Creek, a small tributary to the North Fork of the Santiam River, and the Breitenbush River, have been considered by the Oregon Legislature for state scenic waterway status. They have been found to lack those qualifications.

In 1986, the Oregon Department of Transportation Parks Division completed a detailed study on Opal Creek and found that it had absolutely no merit to qualify as a state scenic waterway. The study concluded that Opal Creek and Opal Lake do not meet the qualifications of an Oregon scenic waterway as found in ORS 390-855.

In addition, the Federal Government, in 1985, conducted a study on—of the Breitenbush River. The survey found that the Breitenbush River did not possess one of twenty-three qualifications to be designated a wild and scenic waterway, or to be considered in the Federal Wild and Scenic Waterway Program.

Oregon has many beautiful free-flowing wild and scenic waterways. There are many rivers in Oregon which should receive national recognition: the Rogue, portions of the McKenzie and the Columbia River are all internationally famous rivers and should be recognized by the Federal Government for their scenic attributes.

However, Opal Creek and the Breitenbush River simply do not meet the qualifications for natural and wildlife scenic designations.

I am testifying before you today in opposition to the inclusion of these streams in your legislation, only because of testimony presented in the field hearing in Oregon City earlier this month. Freres Lumber Company does not believe that Opal Creek and the Breitenbush River should be included in this otherwise meritorious legislation. Inclusion of these streams would force our company, other timber firms in our region, as well as many civic and professional groups in the Santiam Canyon, to oppose this legislation.

The Oregon legislature has twice considered Opal Creek for scenic designation; twice they have found this stream does not qualify. In 1987 the legislation—legislation was introduced into the Oregon legislature that would designate both Opal Creek and Breitenbush River as scenic waterways. Every city in the North Santiam Canyon passed resolutions in opposition to such designation. The North Santiam Chamber of Commerce unanimously opposed such designation. The Stayton area Chamber of Commerce opposed that designation.

I can only assume that the same opposition would be generated if these streams were included in the Federal legislation. The Oregon legislature, in its wisdom, has found that these streams do not qualify. I urge this committee to look at the State and Federal studies included in your testimony packet, and I am confident that you will come to the same conclusion.

Opal Creek and the Breitenbush River simply do not qualify as national wild and scenic rivers. Proponents' efforts to include Opal

Creek and the Breitenbush River is aimed to deny access to thousands of acres released for multiple use in the 1984 Oregon Wilderness Act. This is contrary to the intent of the wild and scenic river legislation considered today.

Thank you.

Senator **Hatfield**. Thank you.

## STATEMENT OF JIM JAMES, WILLAMETTE INDUSTRIES, INC, ALBANY, OR

Mr. **James**. My name is Jim James. I am assistant to the general manager of Western Timber and Logging for Willamette Industries, Corp.

Willamette Industries recognizes the valuable resources of Oregon and the importance of protecting their qualities. However, as written, we are opposed to Senate Bill 2148, an amendment to the Wild and Scenic Rivers Act of 1968. It is unnecessary duplication of existing restrictions for managing and protecting our state's rivers.

Oregon has an outstanding Forest Practices Act, which mandates good management on commercial forest land and provides protective measures along all rivers and important streams.

In addition, strict land use planning is in effect today which evaluates private land adjacent to Oregon rivers and limits its use to compatible activities. Rivers crossing through Federal lands are already protected by requirements of Federal forest land use plans. Rivers in Oregon are being protected today under existing adequate existing Federal and local regulations. No additional legislation to accomplish this is needed in Oregon. Existing laws and regulations will guarantee the protection of our valuable river resources.

Willamette Industries owns property that will be within the proposed quarter mile buffer area designation for the Alsea and Nestucca Rivers. These areas are managed today in a manner that protects the rivers from degradation. We are proud of our management in these areas.

Of the 74 miles of the Alsea River proposed for inclusion, six miles are on the Willamette Industries ownership; 50 miles are in other private ownership; and only 18 miles in Federal ownership. Your proposed legislation for the Alsea could impact 960 acres of the Willamette Industries' forest land. Of the 47 and a half miles proposed on the Nestucca River, two and a half miles are in Willamette Industries' ownership; 29 miles are in other private ownership; and 16 miles are in Federal ownership. Your proposed legislation for the Nestucca River would impact 400 acres of Willamette Industries' forest land.

Willamette Industries request that you withdraw the Alsea and Nestucca Rivers from further consideration as wild and scenic rivers, particularly the portions in primarily private ownership. This legislation will only add confusion to the management of these rivers, which already have management plans and restrictions imposed by Oregonians.

History documents that Oregonians are proud of our national assets, and have taken the steps necessary to insure good stewardship of our heritage. There is no damage on the Alsea or Nestucca River which warrants their protection under the Wild and Scenic Rivers Act of 1968, nor is there any likelihood that there will be.

Senator Hatfield, thank you for this opportunity to express our views.

## STATEMENT OF BOB FLINT, DAW FOREST PRODUCTS, BEND, OR

Mr. **Flint**. Senator Hatfield, Congressman DeFazio, my name's Bob Flint, and I am the resource manager for DAW Forest Products in Bend here. Our company employs about 730 employees in saw mills, plywood and remanufacturing in the Central Oregon area. We are approximately 85 percent relying on public timber sales primarily the Deschutes, Ochoco, Winema and Fremont National Forest.

We appreciate this opportunity to comment on S. 2148, the Oregon Omnibus Wild and Scenic River Bill. We support the concepts embodied in the bill which we believe are truly unique waterways, should have appropriate protection. We do not believe the Little Deschutes and Crescent Creek are appropriately included in this category.

At the same time, we believe that we need to understand the full limitations of congressional designations. The initial impact projected by the Forest Service analysis of the designations in S. 2148 we feel were understated, because they used the preferred alternatives as a starting point. The 3.7 million feet of timber reductions apparently did not include the impacts of the designation recommended in the preferred alternatives. We appreciate the fact that you have asked the agency for a second analysis, which includes these impacts, as well.

I'd like to point out that there are often ways in which unique areas can be protected without the encumberance of congressional designation. Our company has been involved in these activities along the Metolius River for the past several years. We have logged in the area since access to the area was first established. We would agree that the Metolius River itself is a unique Oregon landmark, and for that reason, we had worked with the Forest Service and interested citizen groups to insure that our operations are consistent with maintaining its unique qualities.

A recent case in point is the Little Buck timber sale in the Sisters District of the Deschutes National Forest. This has been a highly controversial sale since FERC proposed four years ago. The Forest Service worked and their local citizen group to develop a sale plan which accommodated their concerns. DAW purchased the sale in 1987 in part because we wanted to demonstrate that logging operations could be carried out while maintaining or enhancing the qualities that make this particular area unique. We completed the sale in April this year. Since then the Forest Service has shown the area to several groups, including many of them members of the citizens group which first expressed concern about this—the sale concerned—concerned about this sale. They reported that the reactions to the appearance of the area had been positive.

We believe this is a good example of how timber management can be integrated with the goals of maintaining scenic and recreational values without blanket congressional designation.

Many of the waterways proposed for designation in S. 2148 are being addressed in the forest plans. It seems to us that it would be appropriate to see how these areas are addressed in the final plan alternative, before additional designations are considered. In many cases, flexibility may enable the agency to actually enhance the waterways, scenic or recreation and otherwise.

Thank you again for this opportunity to express our concerns.

Senator **Hatfield**. Thank you.

## STATEMENT OF MARGARET G. FORSYTHE, SALEM, OR

Mrs. **Forsythe**. Senator Hatfield and Representative DeFazio, I have come here from Salem because I missed the previous opportunity to testify. I consider this bill sufficiently important to have made the trip. I am representing myself and a group of like-minded friends. Although I am a member of the Chemeketans, I realize they have testified previously, so I come as a private citizen.

Senator Hatfield, your constituent letter of March 4th, 1988, describes Senate Bill 2148 as a discussion document, saying it was likely other river segments would be added to this bill or subtracted therefrom. My response is, no subtractions, only additions.

Due to the limited time for oral testimony, I have prepared a written supplement listing the additional rivers I recommend for inclusion in the national wild and scenic river system. Oregon is aggressively promoting tourism and outdoor recreation as a part of our economic recovery. The rivers I have listed are outstanding in their scenic and recreational features. Their protection is important to the diversification of Oregon's economy.

You will note that on my list I have included the Little North Fork of the Santiam and Opal Creek. Opal Creek was originally designated as an Oregon scenic waterway. At the end of two years, the State Parks Department exercised its prerogative and deleted Opal Creek from this list. The reason is, that State Parks conducted its survey from the air by helicopter, whereas, Opal Creek must be approached on foot to be appreciated.

Gentlemen, I want to invite you on a free weekend to take a walk with me. I will get my Chemeketan friends to organize a hike, and then you can see for yourselves the splendor of this stream that tumbles twelve hundred feet in a little over four miles. Come on, try.

In any proposal such as yours, timber issues are always present, if only peripherally. These issues usually center around a discussion of jobs to be gained or lost through a specific proposal, yet the problems of employment and in the timber industry are not due to the size of the timber harvest, they are due to technological change. Automation has been progressively reducing the need for human labor.

Data provided by the Western Wood Products Association show that in 1979, 4.5 workers were required to produce one million board feet of lumber. In 1985, the number was 3.3 workers. By 1986 it only took 2.8 workers to produce this one million board figure. And the figure is going down. I'm almost through.

Any argument that placing rivers under the wild and scenic river system will cost timber jobs, is not borne out by the facts.

Now—the end. Thank you.

[The prepared statement of Ms. Forsythe follows:]

## Supplement to Testimony on S.2148

Margaret G. Forsythe

Due to the limited time available for individual testimony on this important issue, I am submitting this as a supplement to my oral testimony given at Bend, Oregon on May 30, 1988. Following is a list of additional rivers in Oregon that wholly or in part should be added to the nation's Wild and Scenic Rivers system. They are eminently worthy of consideration and can most easily be included now rather than waiting for another initiative after the delays that will inevitably follow the changing of administrations next January.

As far back as 1985, according to the Oregon Blue Book and the State Employment Division, outdoor recreation and tourism accounted for more jobs than the timber industry. Today Oregon is aggressively promoting tourism, most of which is oriented toward outdoor recreation. A number of the rivers listed below are of prime importance in this effort to diversify our economy. Three are presently protected from dam building. None of them are protected from placer mining, logging, the road building that goes with logging and other forms of developement or damage. For the long-term economic welfare of the state as well as for the health of the riparian environment, parts or all of these rivers should be included in S.2148.

The rivers are listed alphabetically rather than geographically:

* 1. Blue river

* 2. Breitenbush river

3. Elk river

* 4. South fork of the McKenzie

5. Sandy river

6. Santiam river:

    * a. Little North Fork and Opal Creek

    * b. North Santiam

    * c. Middle Santiam

    * d. South Santiam

7. Steamboat creek

8. Willamette river:

    * a. North Fork of the Middle Fork

    * b. Middle Fork

NOTE: The recommended rivers marked with an asterisk have been ranked as "Outstanding" in a Northwest Rivers Inventory recently completed by the National Park Service.

Margaret G. Forsythe
4338 Oakman St., So.
Salem, Oregon 97302

Senator **Hatfield**. There is no one I would regret more putting the gavel down on than Margaret, because she and I were in grade school, junior high school, high school and Willamette, over many years. Her mother was a school teacher that I had as a substitute teacher. This is an old-time reunion for us. But I had to put the gavel down. I'm not partisan.

Mr. DeFazio: Before you dismiss this panel, first, at Margaret's invitation, I didn't even get my drift boat in the river last year, let alone a weekend for a hike. But we'll try to do it.

Mrs. **Forsythe**. Try and do both.

Mr. DeFazio: All right. I'd like to speak to—since two people on this panel brought up the Alsea issue and we don't particularly—we don't have a special Alsea panel, but I recognize a lot of people have come here today. I want to say I'm particularly sensitive to a lot of concerns expressed by the people along the Alsea. My great-grandmother's farm was taken by State eminent domain, and I've always been generally an opponent of the State taking except in the most extraordinary circumstances.

I've served as a county commissioner and even when we were building roads, I would say no, I don't want to take a person's—don't want to take them to court, I want to find an alternative. So first, to that concern, the private property concern, and I know the Senator shares that, as well.

Secondly, I have a lot of familiarity with Oregon's land use planning process, and my feeling is in many cases, the protections that are in Oregon's comprehensive land use plans on a county by county basis will provide what would be necessary State cooperation of coordination or compliance with Federal guidelines under the Wild Scenic Act.

The Act—if you pick up the Act and read it it can be pretty scary, but if you look at what it might do or what it would do in a state like Oregon, versus a state back east where they don't believe in planning or zoning, there's a big difference. In fact, the Federal government is directed to work with state and local governments in the Act, not to work against or overrule the local state and county government.

So the current management will carry a lot of weight, and particularly in cases of private property. Of course there is no state zoning on Federal lands and this law would predominate on Federal lands.

I certainly want to work with the people along the Alsea. And I hope, myself, to find time to get down there in the next month; I'll skip one day's hiking to get there, if I can. And if I can't get there I'll get a member of my staff down there to meet with the people and discuss their concerns, and also to disseminate some information that I think more truly points to what the act might or might not do. There is some information out there that's not entirely accurate.

I thank the members of the panel for bringing up that issue and look forward to working with you on it and other people here that were concerned.

Senator **Hatfield**. Thank you, Congressman. I thank all of you on this panel.

And I invite in Mr. Tom Pero, Mr. Emil Seidel, Mr. Chuck Holliday and Mr. David Nolte.

While the panel is coming here, I might just share a little experience with some of you.

I broke a commandment that I had given myself from an experience a number of years ago when I identified with Margaret Forsythe a while ago. I did that on a previous occasion in public, and I noticed a frown came over the lady's face. Afterwards she came up to me and she was very unhappy. She says, "Everybody knows how old you are, now they'll know how old I am. '

So I apologize, Margaret.

Mrs. **Forsythe**. No problem, I don't mind.

Senator **Hatfield**. You may proceed.

## STATEMENT OF EMIL SEIDEL, SUNRIVER ANGLERS CLUB, BEND, OR

Mr. **Seidel**. Senator Hatfield and Congressman DeFazio and members of the subcommittee. I realize that following the Alsea act it would be difficult, but I will express my views.

My name is Emil Seidel, and I am here representing the Sunriver Anglers Club, of which there are approximately 100 members.

Senator, I have read your bill, 2148, and am pleased that you have come forward with a proposal to try to do what has been—has needed doing for a long, long time. We're all here today to talk about the same thing. One of Oregon's very valuable and renewable, and I emphasize renewable, resource, our waters.

We do have sufficient and sometimes abundant supplies in our rivers, lakes and streams, and I would like to address not just the quantity, but the quality of this resource.

Our state is well known for attracting tourists nationwide, and this act helps promote a healthy economy for all of our citizens. To continue to maintain our reputation as a vacation wonderland, I would like to suggest that your bill, in a final draft, might include wording that would prevent the intrusion of small hydroelectric systems on the 40 segments of rivers as proposed. Also to prevent the possible pollution by improper logging practices, agricultural accidents, and any other sources of pollution.

This step you are now undertaking will assure future generations the pleasures of our state and in preserving which should now be saved.

In closing, a small thought has occurred to me. Man, with his brilliance and intelligence, his unlimited imagination and his diligent effort, has conquered the land, explored the seas and has built vehicles to travel into space. However, I know of no man who has been able to produce a river as mighty as the Columbia, as magnificent and as beautiful as the Metolius. I would say to you, protect what we still have, enjoy what we still have, now and forever.

Thank you for listening.

Senator **Hatfield**. Thank you.

## STATEMENT OF DAVID NOLTE, CHAIRMAN, OREGON COUNCIL OF TROUT UNLIMITED, BEND, OR

Mr. **Nolte**. Senator Hatfield and esteemed colleagues, my name is David Nolte, and I am chairman of the Oregon Council of Trout Unlimited, which here locally is represented by the Ochoco chapter in Prineville, the Deschutes chapter in Bend, and the Portland chapter. I'm also speaking for Mr. Puro of Trout Magazine, which is the official magazine of Trout Unlimited, and reaches 75,000 people across the country.

OCTU applauds the efforts that both Senators Hatfield and Packwood and Representatives DeFazio, AuCoin and Wyden have accomplished. OCTU fully is committed to the continuing process of determination of additional rivers in Oregon for national wild and scenic designation.

In a speech before Congress in 1965, President Johnson spoke about his commitment to the preservation of natural beauty. In particular, that rivers, quote, "Occupy a central place in myth and legend, folklore and literature. The time has come to identify and preserve free-flowing stretches of our great scenic rivers before growth and development make the beauty of the unspoiled waterways a memory."

Since that speech, 66 protected portions of rivers flow through only 24 states, a dismal showing indeed. But now, with your help, Senator, and the community at large, Oregon can move forward to preserve its heritage. Since the protection enhancement of water resources in this state is of highest priority for the Oregon Council, the inclusion of 40 rivers into the system will allow Oregon to overcome 20 previous years of Federal inaction.

However, we feel that now is the time to add more rivers. In particular, the upper and lower stretches of the Klamath, Steamboat Creek on the North Umpqua, the Sandy, the Elk, the North and Middle Fork of the Willamette, the Fall River, which, of course, is in Central Oregon, and we would like to see as recreational status, to mark a positive and bold step in retaining those rivers that possess the natural qualities the people of Oregon wish to preserve for future generations.

As a former natural park service planner, John Kauffmann wrote, quote:

> Take a child to the river, acquaint him with its wonder, its beauty and its power, let him enter into the joy of running water, and it will not only be a playmate and a playground, but a teacher and classroom, as well.

Perhaps some of your colleagues are also children, in the sense of their lack of understanding about river resources.

Senator, we ask that you press for regular Congressional oversight hearings to monitor the development of this national heritage, by asking the Subcommittee on Public Lands and Reserved Water to hold such hearings. With these steps, and by your actions, Oregon will receive the tools needed to preserve one of its most valuable resources, rivers, for all Oregonians, present and future.

Trout Unlimited, particularly the Oregon Council, stands ready to support your office with information pertinent to your bill.

Thank you very much.

Senator **Hatfield**. Thank you very much.

Thank you too, Jim.

Mr. Floyd Stout, Mr. Don Overholser, Mr. David Childs, Dr. Harry Rinehart.

You may begin.

## STATEMENT OF FLOYD STOUT, ALSEA CITIZENS ADVISORY COUNCIL, ALSEA, OR

Mr. STOUT. I am Floyd Stout, a farmer and resident of the Alsea valley, and the chairman of the Alsea Citizens Committee, which is advisory to the Benton County Commissioners. I speak for the citizens that reside and own land along the Alsea River.

These people are virtually unanimously opposed to Senate Bill 2148, and want you to exclude the Alsea River system from the Wild and Scenic Rivers Act.

The population of the Alsea River numbers approximately 2,000 and is probably 90 to 95 percent located within a half mile corridor along the river. 76 percent of the lands adjacent to the river are under private ownership, which dates from the original homesteading of these lands in the 1850's.

We believe the inclusion of Alsea—of the Alsea in Senate Bill 2148 is a continued erosion of our individual freedom and personal property rights. This is the third attempt in recent years by some branch of government to control the Alsea River in the Alsea valley. Many of us have lost faith in government, and wonder how it got to be "we, the people," versus "you, the government."

Some of the provisions of the Wild and Scenic Rivers Act we object to are, that the Federal Government can condemn and purchase up to 100 acres of privately-owned land per river mile; can condemn and purchase scenic and access easements, putting strict governmental controls on private properties; can condemn and purchase existing water rights; can issue standards for local zoning laws and prohibit new commercial or industrial uses of the land; will not allow diversion, straightening, rip-rapping or other modification of the waterway; can determine carrying capacity of the river and regulate its use for recreation by instituting a permit system.

Residents of the Alsea valley are extremely proud of the river they live along, and they and their ancestors have done a very creditable job for the past 100 or more years of doing the things you say government wants to do: namely, preserve the scenic status of the river, while allowing forestry and agriculture to coexist with recreational uses.

As evidence of this, there are at least 15 parks along the Alsea, in addition to 15 boat ramps for public access, plus two fish hatcheries. Further development or desecration of the river environment is precluded by existing regulations. These include local and state zoning ordinances, Forest Practices Act, and riparian rules. Additionally, the people want the river to stay the way it is.

For you to understand why we feel as we do, please realize that we live in this rather isolated area by choice. We are conservative, independent, self-sufficient, ask little of government, and prefer that government not meddle in our affairs. As evidence of the adamant opposition by residents, sportsmen and other interested persons, I herewith submit a petition signed by 3,127 people, and I'll not attempt to tear it in half.

The petition reads:

> We the undersigned, wish to register our objection to the addition of the Alsea River system to the Wild and Scenic Rivers Act. We feel that previous and current management by both private and governmental concerns of the Alsea River and contiguous lands has been excellent, and addresses a multi-faceted blend of agriculture, forestry and recreational uses, while preserving outstanding water quality and scenic beauty.

In conclusion, remember that the thing that has made the U.S. great is the freedom of its men, which is now more endangered than the freedom of its rivers.

Thank you.

Senator HATFIELD. I think we've gotten the message before. I want to say that we're hoping to hear from all those on standby, but again, please refrain from audience participation except on the panels, or we won't be able to get to those other people that want to be heard. We will be happy to receive your petitions on this matter and we thank you for your testimony.

Next, please.

### STATEMENT OF DON OVERHOLSER, ALSEA, OR

Mr. OVERHOLSER. Senator, I'm Don Overholser, and I'm just a private citizen that owns land along the Alsea River. I meant to start this off by asking for a show of hands from the people that had traveled a long distance to show you how they did oppose the inclusion of SB 2148.

Senator HATFIELD. I will do that at the end of the hearing.

Mr. OVERHOLSER. Obviously that's not necessary, they've shown their opposition quite well. What I would like to do is ask you a few questions, and some of these are questions which I've tried very hard to get answered, and I've asked your office many times and I've received a lot of information, none of which answers my questions.

And my primary question is how much is this going to cost? What is it going to take out of the—how much private land is going to leave that private sector and become public? And what are we going to—what are we going to lose in taxes in Benton and Lincoln County and the state of Oregon?

Also, how is the Forest Service going to be able to manage this when they're telling me that they're closing down private—they're closing down some of their campgrounds in Oregon right now because they don't have the funds to keep them going?

Obviously, putting this under the Forest Service or putting our lands under the Forest Service is not going to perpetuate the continued good management when they can make a management decision to simply quit doing it. They don't have the funds to do it.

I'd also like to know if it's turned over to the Forest Service—I've asked your office what are the guidelines? They certainly must have some sort of guideline under which they're going to operate, how are they going to say who's going to use the river and who isn't going to use the river?

The best answer I can get is that it will probably follow somewhat along the guidelines that they're presently using on the

Rogue River. I assume that this means that they—that of us who have used the river all of our life, will now have to get permits to float the river. Now, I assume that also means that they will limit those permits, and we very well may be faced with the situation where a majority of those permits are given to commercial guides. That's what has happened on the Rogue River, and so I'm sure most of us would not like to see that.

I strongly oppose the club of condemnation over our lands. This is merely a large club that is going to force us to take whatever is offered to us, and then we'll get 80 percent of it. I think that this might bring this into closer perspective if we were to suggest that your property in Oregon is a tremendous recreational asset to the people of Oregon, and I certainly would not hope that anyone would ever ask you to give up your property as a recreational resource, and although many of us would certainly like to use it, I'm sure, from time to time. It's ridiculous, even if they were to pay you several times its use, and it's equally ridiculous to ask us to give up ours strictly from a recreational standpoint. If there were other good reasons, yes, but that's not enough.

I would also like to ask, how does the Alsea differ from some other rivers such as the Siletz that's really close to us, and it also has some really absolutely beautiful areas, especially in the Gorge area. The Gorge area of the Siletz River comes very close to being wild and scenic, yet it is not included. I'm not proposing that it be included; what I am pointing out is that if the Alsea is included, that it seems to me that every river in Oregon ought to be included.

Finally, one of my major reasons for selecting the Alsea River as a home site was not due to its wild and scenic or anything else, it was due to—I looked at a lot of rivers along the Oregon Coast—along the Oregon Coast——

Senator HATFIELD. I'm sorry, we will incorporate the rest of your statement. How much do you have, another sentence?

Mr. OVERHOLSER. One or two sentences is all.

Senator HATFIELD. One sentence

Mr. OVERHOLSER. Yeah. I just wanted to say that the sheriff down there told me there was very little crime along that river, and it was due—probably due to a highly developed community spirit of helping and watching out for each other, and I think some of that has been shown here today.

Senator HATFIELD. Thank you.

## STATEMENT OF DAVID CHILDS, OREGON WHEAT GROWERS LEAGUE, ARLINGTON, OR

Mr. CHILDS. Senator Hatfield, Councilman DeFazio. I'm David Childs, and I'm here representing the Oregon Wheat Growers, and my work, I guess, has been on the Basin Council for the John Day and for a number of years since its inception in the state of Oregon.

The Oregon Wheat Growers' goal can be briefly stated: As the sustaining of the desirable quality of life. This Oregon amendment to the bill is also directed toward attaining a desirable quality of life. We believe that the bill needs amendment.

The Sunday Oregonian editorialized, "Protected river candidates have been studied and examined carefully by the U.S. Forest Service and the Bureau of Land Management."

During the 20 years 1968 to 1988, more than 50,000 miles of forest development roads were added in Oregon by the U.S. Forest Service and the BLM, a total of 99,000 miles, two-thirds of all of the roads and city streets in the state of Oregon, which amounts to 140.

This transportation protective network, with associated ditches, is in our high steep precipitation rainfall zones, and is designed to intercept and to surface and lead water away, draining from, rather than recharging aquifers.

In 40 years, unintentionally, a drainage system worthy of Paul Bunyan and Babe has been created. Both surface and ground water has been unstored on a gigantic scale. Timber and timber lands along the streams are being dewatered. Many of our river segments included in this bill are dependent on the release of the stored water; others will need it.

We would ask these inclusions in the bill: lands included be only Federal lands; downstream lands and river reaches be protected and stabilized from the ravages of runoff damage initiated on Federal lands; representative river basin people be participants in the draft process for each of Oregon's affected river basins; reservoirs and dams and resultant released water from storage be permitted where the net results would benefit the rearing areas of both resident and anadromous fish and protect downstream riparian zones.

In his first speech to Congress President Theodore Roosevelt said, "The water supply itself depends on our forests."

Gifford Pinchot was the writer. John Muir said, "Nearly all of our forests in the West are on mountains and cover and protect the fountains of the rivers. '

A precedent for national compromise was set. Muir and Pinchot, even though from different branches of philosophy, one of preservation, the other of use, they had similar dedication to nature and outdoors.

Just not doing something, or only preventing future use, is not a solution. In John Day 98 percent of the water runs out the stream but is dry most of the year.

We must restore streams and watersheds. To succeed, all must be participants. In their current condition, misinformation and man's effect on runoff water are the two most damaging influences on watersheds.

Thank you for the opportunity.

[The prepared statement of Mr. Childs follows:]

OREGON WHEAT
OREGON WHEAT GROWERS LEAGUE
305 S.W. 10th • P.O. Box 400 • Pendleton, OR 97801
(503) 276-7330 (24 hrs.)

Testimony : S. 2148
"Omnibus Oregon Wild and Scenic Rivers act of 1988

At: Riverhouse Bend Oregon May 30 1988

By: David Childs, Chairman sub committee for water, Oregon Wheat
Star Route, Arlington, Or 97812

Our goal can be briefly stated: We desire to be influential with the use of knowledge, experience, and wisdom in the protection and enhancement of the natural resources; air, energy, soil, and water; that the use of both the aesthetic and economic products of these basic resources will lead to sustaining a desirable quality life.

This Oregon amendment to the Bill is also directed toward attaining a desirable Quality of Life. We believe the bill needs amending.

The Wheat League's seventy-five hundred members transcend across Oregon's lands and cities with immense diversity of vocation and avocation. This past week marked our fortieth Consevation Farmer of the Year award. The selection process from the Willamette Valley east to the Powder Valley and the field day on the honoree's ranch are premier grass roots conservation events. County and State winners have blanketed the state from Monmouth to Wallowa, East and West and in-between. Contrary to Aldo Leopold, there is a deep-seated agriculture conservation ethic. We can however gain from his philosophy.

Flood, drought, erosion, slope, compaction, dust, mud, runoff, groundcover, infiltration, water efficiency, shading, sunlight, competing vegetation, release, riparian, uplands, streamflow, sustain and conserve along with struggle, survive and anticipate are all terms associated with decade after decade of 365 day years, experiencing soil and water resource reality.

The Sunday Oregonian editorialized (on newsprint) "protected-river candidates have been studied and examined carefully by the U. S. Forest Service and the Bureau of Land Management."

During the twenty years, 1968 to 1988, more than fifty thousand miles of forest development roads were added in Oregon by U.S. Forests and BLM for a total of 99,000 miles. This is approximately twice the total miles of federal, state, and county roads and city streets in Oregon. This transportation and protective network, with associated ditches, is in our high steep precipitation zones and is designed to intercept and to surface and lead water away, draining from, rather than recharging aquifers. In 40 years, unintentionally, a drainage system, worthy of Paul Bunyan and Babe, has been created. Both surface and groundwater have been unstored on a gigantic scale. Timber and timberlands along with streams are being dewatered.

Starting one hundred sixty years ago with the 'scorched earth' beaver harvest carried out by father-of-Oregon, Hudson's Bay Company factor, Dr. John McLoughlin; followed by exploitation of early burning, mining, plowing and grazing; culminating in the last four decades with the significant loss of the forest buffered storage and release system; we have diminished the naturally stabilized and sustained river producing watersheds.

This inadvertent feat has unstored more water than the capacity of all the reservoirs in Oregon, [redacted]. Many of the river segments included in this bill are dependent on the release of stored water. Others will need it.

We would ask these inclusions in the bill;

1/ Lands included be only federal lands.

2/ Downstream lands and river reaches be protected and stabilized from the ravages of accentuated runoff damage initiated on federal lands.

3/ Representative River Basin people be participants in the draft process for each of Oregon's affected River Basins. (headwaters to the mouth)

Current River Basin studies by the Oregon Water Resource Commission and the Forests' plans now being developed are demonstrating that rivers are a product of the land. Land managers need be participating advocates.

The adversary system has not worked. Let us try something that might.

4/ Reservoirs and dams and resultant released water from storage be permitted where the net results would benefit the rearing areas of both resident and anadromous fish or protect downstream riparian zones.

The reality of not updating tactical and strategic planning have continually caught civiliztion short. Example: The resources of Europe were used by tacticians to perfect a world War I strategy during the 20 years between the wars. Both the Maginot and Siegfried Lines were breached and by-passed in hours. It was good fortune for the Allies; as described by Lord Moran, biographer of Winston Churchill. " The enemy of new ideas is always the expert. Sir Winston wouldn't let the experts kill new ideas."

In his first speech to Congress, President Theodore Roosevelt said, "The water supply itself depends upon the forest." Gifford Pinchot was the writer.

John Muir said "Nearly all our forests in the West are on mountains and cover and protect the fountains of the rivers."

A precedent for rational compromise was set. "Muir and Pinchot even though from different branches of philosophy, one of preservation and the other of use, they arose from the same root of dedication to nature and outdoors." (Michael Frome)

Let us not forget that our objective is to enhance the quality of life. All should pay. For nearly two centuries the wealth of the lands of Oregon have been taken away and divided throughout society. Just not doing something, or only preventing future use is not a solution. It is punitive and unjust for a few, while many recipients of the resource depleting activities, blythly and unknowingly, point with accusation. We must restore streams and watersheds. To succeed, all must be participants. New ideas are needed. In their current condition, misinformation and man's affect on runoff-water are the two most damaging influences on watersheds.

Senator HATFIELD. Thank you, sir.

## STATEMENT OF DR. HARRY RINEHART, PRINEVILLE CHAPTER OF OREGON HUNTERS ASSOCIATION, PRINEVILLE, OR

Dr. RINEHART. Senator Hatfield, Congressman DeFazio, ladies and gentlemen. My name is Harry Rinehart; I've lived in Prineville now for ten years.

I'm here today representing the Prineville Chapter of Oregon Hunters Association, which is comprised of 200 members. I will be speaking for inclusion of the proposed portions of the Crooked River in S. 2148. You've heard from three other citizens of Crook County who are opposed to the inclusion of the Crooked River. I'm here mainly for one thing, and that is to tell you they do not speak for us.

Now, I will try to rebut some of their claims individually. It's been said earlier today that there is no fishery on Williams Prairie, upper reaches of the Crooked River.

In 1986 I spent several days there fishing with my son. There is a wonderful fishery there; you can pull native trout that big out of that Williams Prairie area.

It's been said that there's no recreation except by hunters in the fall; there are hundreds of people up there this weekend.

They're concerned that private property might be condemned to allow public access to the river—the public river, yet they have no compunction regarding condemning property for yet another reservoir.

It's really a moot point on the Crooked River, because there's already ample public access to BLM and Forest Service land. They're concerned that they might not be able to meet requirements for sufficient volumes of water and still meet irrigation requirements. The Prineville Reservoir has a capacity of 154,700 acre-feet. Over half of that, 80,000 acre-feet, are unassigned. They were unassigned in 1972, and they remain so today, because they're unnecessary for local irrigation.

In any event, most of the proposed sections for inclusion in S. 2148 are above the reservoir, where there are no dams, and thus they have no impact on regulatable water volumes.

This objection simply isn't relevant. If it's water they're interested in, then there is 190,000 acre-feet available from late season flows through natural recovery. Or they may reduce their water needs by 50 percent if they simply line their canals.

The real reason that they're opposed is because they'd like to build a dam. In 1972, Deschutes project special report identified one potential dam site on the Upper Crooked River called Big Prairie Dam. This was not economically feasible then, and it is even less so today. In fact, it's highly unlikely that another dam will be built in the Pacific Northwest, let alone on the Crooked River.

In summary, there are no viable reasons why the Crooked River should not be included in S. 2148. Let us preserve and protect what precious little free-flowing water we have left.

On behalf of the sportsmen and women in our association, I wish to convey our admiration, respect for you and for the courage it took you to introduce this legislation. Let's make the Crooked River part of it.

[The prepared statement of Dr. Rinehart follows:]

# FEDERAL WILD and SCENIC RIVERS ACT of 1968...AMENDMENT MEMORIAL DAY OMNIBUS SCENIC WATERWAY HEARING

Senator Hatfield, ladies and gentlemen:

My name is Harry Rinehart. I have lived in Prineville for ten years. I am here today representing the Prineville chapter of Oregon Hunters Association, which is comprised of 200 members. I will be speaking for inclusion of the proposed portions of the Crooked River in the Omnibus Oregon Wild and Scenic Rivers act of 1988, s. 2148.

That Oregon's and the nation's rivers need protection is a foregone conclusion held by reasonable men and I will not belabor the point. There are, however, some few persons in Crook County who are living in a bygone era characterized by a mindless exploitation of our natural resources without regard for the longterm consequences or appropriate consideration of alternatives. Their behavior was understandable in the 1800's, when cattle and sheep first devastated this beautiful arid land, and even through 1961 when Bowman dam on the Crooked River was completed creating Prineville Resevoir. Little was known then about how a stream, through natural recovery, could perform 75% of the water storage purposes of a dam, or how essential the meanderings of a stream were to formation of our upland wetlands and the wildlife that it supports. Things are different today, yet "Oldtimers" refuse to listen, let alone learn modern watershed and habitat management principles.(1)

## FEDERAL WILD and SCENIC RIVERS ACT of 1968...AMENDMENT
## MEMORIAL DAY OMNIBUS SCENIC WATERWAY HEARING

I'm here mainly for one thing and that is to tell you that they do not speak for us. Nor does the Crook County Court, which has taken a negative position on 2148, fairly represent us on this issue. I shall now rebut their concerns.

The reasons advanced by the Crook County Court for opposing inclusion of the Crooked River in the Act, as excerpted from a letter of May 19, 1988 written by Judge Hoppes, boil down to the following:

1. They're opposed to adding another layer of government

It is unfortunate, but a fact of life in the United States, that the Federal govt. must step in to protect not only rivers but also basic human rights when "local" interests run counter to the national interests, or when the interests of a few in power run counter to the best interests of the majority. We feel this is one such situation.

2. They're concerned that water rights may be in jeopardy

As you know, this is not true

3. They're concerned that rip-rap may be disallowed and that cropland may be lost to erosion.

Streams that are not grazed in the riparian zone simply do not require rip-rap. Streams allowed to recover naturally do not erode at all, but trap sediment and enlarge their flood plain and biomass and thus trap more water to be released to assure late season flows. Streams that have been "Channelized" by the Soil Conservation Service and the Bureau of Reclamation require a lot of rip-rap, because their rate of fall per mile has been doubled or tripled, but these will heal and meander again, and begin building more cropland, as it was orginally built, before man intervened if let alone.

4. They're concerned that private property might be condemned to allow public access to the river. The public's river.

Property is condemned all the time for the "good of the public", for highway construction, for urban renewal, for reservoirs. But this has not been the policy pursued over the last 20 years on wild and scenic rivers and is unlikely to occur on the Crooked River, for there is already ample public access through BLM and Forest Service lands.

5. They're concerned that they might not be able to meet requirements for sufficient volumes of water, and still meet irigation requirements.

The Prineville Reservoir has a capacity of 154,700 acre feet. (3) 80,000 acre feet of this are unassigned. They were unassigned in 1972, and they remain so today, because they are unnecessary to local irrigation.(4) In any event the proposed sections for inclusion in S. 2148 are above the reservoir, where there are no dams, and thus have no impact on water volume. This objection simply isn't relevant.

6. And now for the real reason "The Court" is opposed:

FEDERAL WILD and SCENIC RIVERS ACT of 1968...AMENDMENT
MEMORIAL DAY OMNIBUS SCENIC WATERWAY HEARING

"The possibility that future planning requirements for the best interests of an area would be rendered moot."

This translated into English means we might not be able to build any more dams on the Crooked River.

The 1972 Deschutes Project Special Report identified one potential dam site on the upper Crooked River, called Big Prairie Dam, and one on Beaver Creek called...Beaver Creek Dam and reservoir site.(3) These were not economically feasible then, and they are even less so today. In fact, it is highly unlikely that another dam will ever be built anywhere in the Pacific Northwest. (4)

In summary, there are no viable reasons why the Crooked River should not be included in S. 2148. Let us protect and preserve what precious little free-flowing water we have left, and then let us turn our attention to complying with Gram-Rudman to further strengthen our nation, and stop spending money foolishly on unnecessary hydro projects as we have in the past. I speak for the people who love this land and the wildlife it supports, the people who want future generations of Americans for centuries to come to be able to appreciate and benefit from the remaining natural ecosystems before man destroys them.

On behalf of the sportsmen and women in our association I convey our adviration, respect and gratitude to you, Senator Hatfield, and to Senator Packwood for having the foresight and courage to introduce this legislation. It's passage will leave a legacy for all time. Let's make the

Crooked River part of that legacy!

(1) Letter from Mr. Hugh Moore, Manager, Ochoco Irrigation District, dated May 19, 1988, in which he, on behalf of the board, refuses to listen to a presentation on riparian recovery and watershed improvement.

(2) Letter from Judge Hoppes dated May 10, 1988.

(3) Special Report, Deschutes Project, Central Oregon Division, Dept. of the Interior and Bureau of Reclamation, pg. 11, July, 1972.

(4) Personal communication (phone call) Michael Misner, Chief, Dept. of Recreation, Bureau of Reclamation, Boise, Idaho, (208-334-1177) May 27, 1988.

(5) Comments on Ochoco Nat'l Forest Proposed Land and Resource Management Plan, Harold Winegar, ODFW, Regional Habitat Biologist, retired, 1987.

Senator **Hatfield**. Thank you very much. Thank you all.

Now, Mr. Eric Schulz, Mr. Tim Lillebo, Mr. Mark Minturn and Ms. Becky Powell.

This is our last panel. And I would like to say that instead of the standby people having only one minute, we will invite them to the table and they will have two minutes each, because all the rest of you have been very helpful and cooperative and that will mean that we will have heard from everyone who had indicated a desire to be heard.

So again, I urge the last panel not to change the pattern here, that they follow very closely to the time frame and we'll get to hear every person.

## STATEMENT OF TIM LILLEBO, OREGON NATURAL RESOURCES COUNCIL, PRAIRIE CITY, OR

Mr. **Lillebo**. Well, hello, Mark, I'm glad to see you're out here in Oregon.

We really are appreciative of a bill like this. It does take into account all of Oregon, and we think of it—everybody jokes me—I live in Prairie City; they joke me when I meet people out of state, "Oh, it's all rain there and everything."

Well, we have some precious little water in Eastern Oregon, and I think your approach of looking at all the rivers in the Omnibus Bill is a good one. We do appreciate your trying to fully protect many of those rivers.

I would like to add a couple of things in. You started on the North Fork of the John Day in 1984 with the Oregon Wilderness Bill, protected the headwaters of that stream. We feel that it's very appropriate that you have the rest of the John Day in your bill, to go ahead and fully protect that because of the salmon and steelhead fisheries, entirely wild salmon and steelhead fisheries.

The Middle Fork of the John Day, however, is not in this current bill, and since it is a discussion bill, we would really like to see that segment added, because that is one of the major contributors to that salmon and steelhead fishery. The South Fork, of course, of the John Day, you have that included and we appreciate that.

As I understand it, you chose rivers by taking the Forest Service recommendations during their forest planning process that said these rivers are suitable. Unfortunately, the Malheur National Forest did not do a wild and scenic rivers suitability test in their forest plan yet; they forgot to do that in the draft, so I wanted to recommend that the Malheur River, the North Fork Malheur River, the Silvies, also be potentially included in your bill. And the Forest Service is going to be doing that in the final, but they did not study it before that. Most of that is all Federal land, there's BLM and Forest Service.

I guess basically there's a lot of nice places. I just got off the John Day, and I just wouldn't want to lose that opportunity and I think your bill may help protect that.

Oh, Peter, you're here now. I have a serious question to ask both Peter and Mark. Since you've been out here this time, have either one of you gone down an Oregon river?

Senator **Hatfield**. I think about seven of them.

Mr. LILLEBO. Oh, you've gone down seven?

Senator HATFIELD. I got here Friday morning at two a.m. I'm sorry.

Mr. LILLEBO. You got here Friday, okay. Well, I recall before we tried to get some of you down maybe on a backpack trip and we tried horses, but this time, this is an offer you can't refuse. We've got rubber rafts, cushion chairs, a cooler full of drinks, the whole thing. So the standing invitation goes for both of you: any river, any time, as long as there's some water in it. So are you going to come along?

Senator HATFIELD. I hope I may be able to do so one of these days.

Mr. LILLEBO. One of these days, okay.

Senator HATFIELD. Thank you for your invitation.

Senator HATFIELD. Next.

## STATEMENT OF ERIC E. SCHULZ, COALITION FOR THE DESCHUTES, BEND, OREGON, ACCOMPANIED BY AMBER SCHULZ; SERENA SCHULZ; AND CHARLES BLAKESLEE

Mr. SCHULZ. Senator Hatfield, Congressman DeFazio, my name's Eric Schulz. I'm presently the chairman of the Coalition for the Deschutes, one of the more recent groups to coalesce to protect a special river in Oregon.

We've been successful in that endeavor with the institution of strong county river ordinances, with State-mandated hydroelectric prohibitions above Bend, with the protection of virtually every eligible mile with State scenic waterway protection, with the passage of minimum stream flows, and with continued activities to restore the flows to their original steady state.

We heartily endorse Senate Bill 2148 as a statement which crowns the majesty of the Deschutes with the highest accolade available to the Federal Government.

With the addition of the important river systems like the Upper Klamath, the Siletz, the Steamboat Creek, North Fork of the Santiam, Opal Creek, and our own Squaw Creek, the Omnibus Oregon Wild and Scenic Waterway Bill is one of the most historical and impressive pieces of legislation.

The bill expresses to the nation that we in Oregon have a vision of reality which protects our environment and grants an unparalleled quality of life. This is a statement that must be made in order that our children receive their legitimate heritage.

We thank you for your powerful stance in the protection of our natural resources, through this bill, the Columbia River Gorge Bill and the Oregon Wilderness Bill. Please announce that we have something to offer and we will not compromise on it.

To show our appreciation we have two small presentations. One, I've got the folks here, and Chuck Blakeslee will come up, we have Charles Blakeslee, who is a world-renowned photographer, who has something to offer, and Serena Schulz and Amber Schulz.

Ms. Amber Schulz. My name is Amber Schulz. Thank you for saving our rivers. We have some pictures and letters which Mr. Berry's and Mrs. Andrews' fourth grade classes made for you to take back to Washington, D.C. to share with the other senators.

Senator **Hatfield**. Thank you. Thank you very much. I appreciate it.

Ms. Serena Schulz. My name is Serena Schulz. I live in Oregon and I love Oregon because there are such beautiful rivers. I also love Oregon because of the beautiful land.

Thank you.

Senator **Hatfield**. Thank you, thank you very much.

Mr. **Schulz**. Charles Blakeslee.

Mr. **Blakeslee**. Senator Hatfield, it's really a pleasure and honor to present you with this photograph of Benham Falls, a 16-by-26 photograph, and this is on behalf of all the people of Central Oregon that truly love the Deschutes River.

There's a little story that goes along with this. I took this photograph exactly one year and three days ago, on the 27th of May, 1987, and it wasn't until three or four days later after I got the picture and got home and saw an article in the paper that stated that the hydropower developers had pulled out of the project on the 27th of May, 1987. So as you see, this is the river in its pristine state. There's no pipes, powerlines or roads, and that's the way we hope it will stay.

Senator **Hatfield**. Thank you.

Mr. **Blakeslee**. Thank you very much.

[The prepared statement of Mr. Schulz follows:]

COALITION FOR THE DESCHUTES
P.O. BOX 6013 BEND, OR 97708

TESTIMONY PROVIDED SENATOR MARK HATFIELD
IN SUPPORT OF S 2148
BY ERIC E. SCHULZ, CHAIRMAN
COALITION FOR THE DESCHUTES
939 NW BOND, BEND, OR 97701
30 MAY 1988

REPRESENTING THE MEMBERS OF THE COALITION FOR THE DESCHUTES, I WOULD LIKE TO THANK YOU FOR YOUR INTRODUCTION OF S 2148, THE OMNIBUS OREGON SCENIC WATERWAYS BILL AND FOR CONDUCTING THIS HEARING IN BEND.

AS YOU KNOW, THE COALITION FOR THE DESCHUTES WAS FORMED IN 1984 TO ADDRESS THE PROLIFERATION OF HYDROELECTRIC THREATS TO THE UPPER THIRTY FIVE MILES OF THE DESCHUTES.

SINCE THAT TIME, WE HAVE BEEN ACTIVE AT THE CITY, COUNTY, STATE AND NATIONAL LEVELS TO ASSURE THAT ONLY APPROPRIATE DEVELOPMENT BE ACCOMPLISHED ON OUR RIVER.

THE ADDITION OF FEDERAL SCENIC AND RECREATION STATUS TO THE DESCHUTES WOULD BE AN APPROPRIATE CROWNING FOR THIS MAJESTIC RIVERWAY.

WE ARE UNANIMOUS IN OUR BELIEF THAT THE DESCHUTES IS MOST VALUABLE AS A FREE FLOWING STREAM WHICH POSSESSES ALL CHARACTERISTICS THAT MAKE A STREAM ELIGIBLE FOR SCENIC STATUS.

**Protecting Our Economic, Recreational and Environmental Future**

2137 N.W. CASCADE VIEW DRIVE BEND, OREGON

OUR BELIEF HAS BEEN VINDICATED BY ECONOMIC STUDIES SUCH AS THE RAGATZ REPORT PERFORMED FOR THE COUNTY, BY THE INCLUSION OF NEARLY EVERY ELIGIBLE MILE ON ITS LENGTH IN THE STATE SCENIC WATERWAY PROGRAM AND BY TESTIMENTS OF CITIZENS PROVIDED AT NUMEROUS PUBLIC HEARINGS WHICH HAVE ACTED AS FORUM FOR DETERMINING THE "BEST" MANAGEMENT SCHEMES FOR MINIMUM STREAM FLOWS, BOATING REGULATIONS AND COUNTY PLANNING ORDINANCES.

WE ARE CONCERNED THAT THE RIVER NOT BE COMPROMISED BY ITS DELETION DUE TO FEAR OF A PERMIT SYSTEM WHICH MAY FOLLOW FROM ITS DESIGNATION. SPECIFICALLY SPEAKING OF THE LOWER ONE HUNDRED MILES OF THE DESCHUTES, WE WOULD LIKE TO SUGGEST THAT MANAGEMENT OF THIS WATERWAY BE RETAINED BY THE GOVERNOR'S DESCHUTES RIVER INTERDISCIPLINARY TASK FORCE RATHER THAN BY THE SECRETARIES OF AGRICULTURE AND THE INTERIOR AS SUGGESTED BY YOUR BILL.

AT THE PRESENT, THE GOVERNOR'S TASK FORCE INCLUDES REPRESENTATIVES OF THE BUREAU OF LAND MANAGEMENT AND OF THE FOREST SERVICE AS WELL AS MEMBERS OF MANAGING STATE AGENCIES AND INTERESTED CITIZENS. THIS WELL BALANCED TASK FORCE IS SENSITIVE TO THE NEEDS OF THIS RIVER AS NO SINGLE ENTITY COULD BE AND WILL IN THE LONG RUN MAINTAIN THE BEST MANAGEMENT STRATEGY POSSIBLE. THE COMMITTEE IS IN PLACE, HAS BEEN DELIBERATING ON THE BEST LONG TERM MANAGEMENT

SCHEME FOR THE RIVER AND SHOULD BE ALLOWED TO MAINTAIN ITS CONTROL OVER THE LOWER ONE HUNDRED MILES OF THE DESCHUTES.

IN MAINTAINING THIS BALANCE OF FEDERAL, STATE AND LOCAL CONTROL OF THE MANAGEMENT OF THE LOWER DESCHUTES, WE BELIEVE THAT THE FEAR OF A PERMIT SYSTEM IS ELEVIATED AND THAT THE DISASTER WHICH EXCLUSION OF THIS RIVER SYSTEM FROM THE OMNIBUS PACKAGE POSES WOULD BE THWARTED.

IN OPERATIONS WHICH HAVE ADDRESSED THREATS TO THE DESCHUTES, THE COALITION HAS BEEN FORTUNATE TO BE EXPOSED TO MUCH RIVERINE LORE AND TO OTHER GROUPS AND INDIVIDUALS WHO HAVE SIMILAR RESOURCES TO ADVANCE.

WE WOULD LIKE TO JOIN WITH THEM IN SUPPORTING THE ADDITION OF SPECIAL RIVERS WHICH ARE EXCLUDED BY YOUR BILL. SPECIFICALLY, THE NORTH FORK AND LITTLE NORTH FORK OF THE SILETZ, THOSE RIVERS INCLUDED IN HB 4164 AND SEVERAL STREAMS IN CENTRAL OREGON.

IT IS MOST IMPORTANT THAT YOUR BILL INCLUDE THE KLAMATH RIVER FROM THE JOHN BOYLE POWERHOUSE TO THE CALIFORNIA BORDER. BY THE INCLUSION OF THE KLAMATH, YOU CAN HONESTLY SAY THAT THIS IS THE BEST RIVER PACKAGE EVER DESIGNED FOR ANYPLACE.

THE KLAMATH RIVER IS A RUGGED FREE FLOWING STREAM WITH EVERY ATTRIBUTE OF A RIVER ELIGIBLE FOR FEDERAL PROTECTION. OF

ALL THE RIVERS IN OREGON, IT IS THE ONE THAT MOST NEEDS THE HELP YOUR BILL CAN GIVE. WE SHARE WITH OUR NEIGHBORS TO THE SOUTH THE KNOWLEDGE THAT THEIR FREE FLOWING RIVER IS MUCH MORE VALUABLE IN ITS PRESENT STATE THAN IF DEVELOPED.

WE WOULD BE PLEASED TO SEE FALL RIVER AND SQUAW CREEK ADDED TO THIS BILL. FALL RIVER IS A CRYSTALLINE FREE FLOWING RIVER WHICH DRAINS INTO THE DESCHUTES ABOVE SUNRIVER. IT IS THE SITE OF          VISITOR DAYS EACH YEAR AND IS CHERISHED AS A PRODUCTIVE SPAWNING TRIBUTARY TO THE DESCHUTES. WITH THE LOSS OF ALL SPAWNING GRAVEL IN THE DESCHUTES, FALL RIVER AND SPRING RIVER ARE OF MAJOR SIGNIFICANCE TO THE FISHERY AND THE ECONOMY OF CENTRAL OREGON.

SIMILARLY IMPORTANT TO THE DESCHUTES, BELOW STEELHEAD FALLS AND ABOVE LAKE BILLY CHINOOK IS SQUAW CREEK. PRIOR TO THE CONSTRUCTION OF ROUND BUTTE DAM, SQUAW CREEK WAS THE MAJOR SPAWNING AREA FOR RETURNING STEELHEAD.

THERE IS PRESENTLY AN AMENDMENT TO THE NORTHWEST POWER PLANNING ACT WHICH ADDRESSES LOSS OF ANADROMOUS FISH ABOVE THE ROUND BUTTE/ PELTON DAM COMPLEX. IT IS OUR HOPE THAT THROUGH THE INTERVENTION OF THE BPA, THE ENGINEERING PROBLEM WHICH CAUSED LOSS OF THIS FISHERY CAN BE ADDRESSED AND THAT ANADROMOUS FISH WILL BE REINTRODUCED TO THE UPPER MIDDLE DESCHUTES. SHOULD THIS HAPPEN, SQUAW CREEK WILL BE OF MAJOR IMPORTANCE.

SQUAW CREEK IS IMPORTANT NOW FOR ITS POSITION AS ONE ARM OF THE DESCHUTES CANYON/STEELHEAD FALLS WILDERNESS STUDY AREA, AS AN IMPORTANT BREEDING GROUND FOR BILLY CHINOOK FISH AND FOR MAINSTEM DESCHUTES BROWN TROUT, RAINBOW, BROOK TROUT AND POSSIBLY SALMON. IT EXHIBITS EVERY TRAIT NECESSARY FOR INCLUSION AS A WILD RIVER.

IN DEFENSE OF THE INCLUSION OF THE CROOKED RIVER AND ITS NORTH AND SOUTH FORKS, WE WOULD LIKE TO CONCUR WITH THE OBSERVATIONS OF THE OCHOCO NATIONAL FOREST REGARDING THEIR SCENIC, RECREATIONAL AND FISHERIES VALUES TO THE NATION.

WE WOULD LIKE TO OBSERVE THAT LOW FLOWS IN THIS SYSTEM ARE BEING ADDRESSED BY FOCUSING ON THE WATERSHEDS FROM WHICH THEY FLOW.

WE CONTEND THAT RATHER THAN A MAJOR BUREAU OF RECLAMATION PROJECT TO STORE WATER, EMPHASIS ON REPAIRING THE RIPARIAN ZONES ON THE TRIBUTARIES OF THESE STREAMS WILL BE MORE COST EFFECTIVE, BETTER FOR THE RANGE CONDITION AND BETTER FOR THE ECOLOGY OF THE REGION.

A GOOD EXAMPLE OF RIPARIAN ZONES ACTING AS SPONGES TO PROVIDE LATE SEASON FLOWS WHERE NONE EXIST IN UNHEALTHY SYSTEMS IS BOGUS CREEK IN THE VALE BLM DISTRICT. INFRA RED PHOTOS SHOW THIS CREEK AS A MAJOR WETLAND AS A RESULT OF EXCLUDING CATTLE FROM THE STREAMBANKS FOR SEVERAL YEARS.

THE ABUSES OF THE LATE 19TH CENTURY CATTLE INDUSTRY LEFT SCARS WHICH ARE STILL EFFECTING OUR ENVIRONMENT. ONE OF THE MOST INSIDIOUS EFFECTS IS THE PERCEPTION WHICH MANY RANCHERS AND LAND STEWARDS HAVE REGARDING THE RESILIENCY OF THE LAND. BECAUSE DRY GULCHES HAVE ALWAYS BEEN DRY, THE CONCLUSION IS THAT THEY MUST BE SO. "ALWAYS" IN THIS CASE IS WITHIN RECENT MEMORY. HOWEVER, STUDIES CONDUCTED BY HAROLD WINEGAR IN THE PRINEVILLE DISTRICT CONCLUSIVELY DEMONSTRATE THAT BEFORE THE ADVENT OF CATTLE, MUCH OF THE AREA SUSTAINED WETLANDS WHICH ARE NOW ARID SAGE FIELDS.

THIS TANGENTIAL DISCUSSION OF RIPARIAN ZONES IS NOT IRRELEVENT TO SCENIC WATERWAY DESIGNATION FOR IN TOO MANY CASES, OPPOSITION TO YOUR BILL ISSUES FROM IGNORANCE RATHER THAN HONEST DISAGREEMENT. IN THIS CASE, THE STATE OF THE ART IN RIPARIAN MANAGEMENT INDICATES THAT IF, FOR INSTANCE, ALL THE DEGRADED RIPARIAN ZONES IN THE OCHOCO NATIONAL FOREST WERE REPAIRED, AND EACH LOWER ORDER STREAM YIELDED AS LITTLE AS 1/10 CUBIC FOOT PER SECOND OF WATER IN THE FALL, THERE WOULD BE 196,000 ACRE FEET AVAILABLE IN THE DRIEST PART OF THE YEAR.

THIS IS MORE WATER THAN IS PRESENTLY HELD BY PRINEVILLE AND OCHOCO RESERVOIRS COMBINED. IT WOULD BE CLEAN WATER, CONSTANTLY FLOWING AND CONSTANTLY AVAILABLE FOR FISHERMEN, BOATERS, PICINICERS, PHOTOGRAPHERS, AND OTHER CITIZENS OF

AND VISITORS TO OREGON. THIS WOULD BE NEARLY 200.000 ACRE FEET OF WATER AVAILABLE TO IRRIGATORS, TO MUNICIPALITIES AND TO HYDROELECTRIC COMPANIES (COLUMBIA RIVER PROJECTS ALREADY OPERATING IN THE BONNEVILLE POWER COMPLEX).

THE REPAIR OF RIPARIAN ZONES IS AN IMPORTANT CONSIDERATION IN THIS BILL, FOR WITH SUCH REPAIR, THE PROHIBITION AGAINST DAMS WHICH THE BILL CARRIES WITH IT BECOMES A MUTE ISSUE.

WE BELIEVE THAT DAMS ARE FAR MORE DANGEROUS THAN HITHERTO ACCEPTED AND FOR YOUR RECOMMENDATION TO ELIMINATE THE POSSIBILITY OF THEIR CONSTRUCTION ON THE FORTY DESERVING RIVERS YOU HAVE IDENTIFIED, WE THANK YOU.

DAMS ARE DANGEROUS TO THE FISHERY, TO THE WILDLIFE WHICH THEY DISPLACE AND TO INHABITANTS OF THE LOWLANDS BELOW THESE STRUCTURES.

THEY ARE DANGEROUS NOT ONLY TO ANADROMOUS FISH BECAUSE THEY PROHIBIT MIGRATION TO IMPORTANT SPAWNING TRIBUTARIES, BUT TO RESIDENT TROUT FOR THE SAME REASON. THEY ALSO WITHDRAW GRAVEL FROM SPAWNING AND FEEDING FISH (GRAVEL SUBSTRATES ARE THE RICHEST SOURCES OF INVERTERBRATES). THERE IS A TENDENCY FOR DAMS TO WARM WATER TO INTOLERABLE LEVELS AND TO DEPLETE THE OXYGEN FROM THE WATER. FOR THE MOST PART, RESERVOIRS BECOME DEPENDENT ON HATCHERY STOCKING FOR VIABILITY AS FISHERIES AND THIS IS EXTREMELY COSTLY AND AESTHETICALLY DISPLEASING.

THE DANGERS OF DAMS AND RESERVOIRS TO WILDLIFE ARE AS EVIDENT. LOSS OF WETLANDS AND FORAGE AREAS FOR BIG GAME, INCREASE IN HUMAN ACTIVITY WITH A CONCURRENT HARRASSMENT OF WILDLIFE, CONSTRUCTION OF ROADS, POWERLINES AND OTHER ARTIFACTS COMBINE TO EFFECTIVELY DESTROY THE REAL ESTATE UPON WHICH DAMS ARE PLACED FOR UTILITY BY WILDLIFE.

THE FINAL DANGER OF DAMS IS TO CITIZENS WHO LIVE BELOW DAMS. ACCORDING TO EARNE SHANKS, NOTED ECOLOGICAL ACTIVIST, THE TRADEDY AT TETON DAM WAS NOT AN ISOLATED NOR FREAK ACCIDENT.

DAMS, LIKE PEOPLE, HAVE LIFESPANS. APPARENTLY THE NORMAL LIFE SPAN FOR A DAM IS FIFTY TO SIXTY YEARS. AFTER THAT TIME, THEY BECOME UNSTABLE AND EVENTUALLY BREACH.

ACCORDING TO DR. SHANKS, WE ARE ENTERING AN ERA OF DAM DEVASTATION WHICH YOU WOULD DO WELL TO PREPARE FOR.
IF HIS ANTICIPATION IS CORRECT, THE MERITS OF DESIGNING A STRONG DAM PROHIBITION WITH THIS BILL WILL BE A SIGNIFICANT AND ASTUTE POLITICAL GESTURE.

WHILE THE QUEST FOR ELECTRICAL ENERGY REMAINS A GREAT DRIVING FORCE FOR MANY PEOPLE, WE ARE SATISFIED THAT CONSERVATION MEASURES, ALTERNATIVE FORMS OF ENERGY AND EXISTING EXCESSES OF PRODUCTION WILL KEEP OUR AREA CIVILIZED FOR MANY YEARS.

WHAT HAS CONCERNED US IS THAT IN OUR PRESENT CULTURAL STATE WE MIGHT ERR IN FAVOR OF OVER DEVELOPMENT OF OUR RESOURCES AND OVERDRAFT OUR LEGACY.

YOUR BILL MAKES GREAT STRIDES IN ASSURING THAT WE ARE LEAVING OUR PROGENY BETTER THAN WE GOT. AFTER WE HAVE COMPLETED OUR GAZE ON SUCH RIVERS AS THE DESCHUTES, WE WILL HAVE PRESENTED A FRAMEWORK OF REFERENCE WHICH ASSURES INCLUSION OF VALUES WHICH WE PRESENTLY HOLD DEARLY.

ON THE UPPER DESCHUTES, THANKS TO OUR EFFORTS, WE WILL LEAVE A GROUP OF REHABILITATORS SANCTIONED BY THE DESCHUTES COUNTY ELECTED OFFICIALS, THE CITIZENS AND THE LAWS OF THE COUNTY WHO ARE ADDRESSING THE ISSUES OF DISFUNCTIONALLY RAPID ACCELERATIONS IN THE FLOW PATTERNS OF THE RIVER, MIGRATION OF GRAVEL IN THE ONE TO THREE INCH CLASS, RECREATION DENSITY AND A FRAMEWORK OF LAWS TO GOVERN THIS ACTIVITY, EROSION OF BANKS, PROLIFERATION OF BOAT DOCKS AND SLIPS, AND MEANS OF ADDRESSING THESE ISSUES -- THANKS TO OUR EFFORTS, THERE WILL BE AN INSTITUTIONALITY ABOUT THOSE ELEMENTS OF EXISTENCE WHICH HITHERTO WERE SO VULNERABLE AS INDEPENDENNT THOUGHTS.

WE WILL LEAVE INSTITUTIONALIZED WAYS OF LOOKING AT THE RIVER: THERE WILL BE A DESCHUTES BASIN RESOURCE COMMITTEE FOREVER; THERE WILL BE A DESCHUTES MITIGATION AND ENHANCECMET COMMITTEE FOR AT LEAST THIRTY YEARS; THE GOVERNOR'S LOWER DESCHUTES MANAGEMENT TASK FORCE WILL EXIST

AS LONG AT THERE IS A NEED: THE COALITION AND TROUT UNLIMITED WILL GO ON AS LONG AS THERE ARE SALMONIDS OUT THERE TO MONITOR THE QUALITY OF ONE OF THE MOST IMPORTANT ELEMENTS OF OUR PHYSICAL EXISTENCE; THERE WILL BE A DESCHUTES CANYON/STEELHEAD FALLS WILDERNESS STUDY AREA UNTIL IT IS DESIGNATED WILDERNESS OR PRIMATIVE NONMOTORIZED CRITICAL RESEARCH AREA; MAYBE GRAZING WILL BECOME OBSOLETE ON RIPARIAN ZONES; AND MAYBE THE WORST THREAT WILL BE THE ATTENTION WE HAVE BROUGHT TO THE MOST PRISTINE AND ATTRACTIVE RIVERS IN THE WORLD. WE WILL LEAVE AN OREGON THAT IS MORE NATURAL THAN WE RECEIVED.

THE NEWEST VERSION OF TROUT UNLIMITED'S NORTH AMERICAN SALMONID POLICY, TUNAS, IS A PHILOSOPHICAL STATEMENT ABOUT THE MANAGEMENT OF THE FISHERIES WHICH COULD FIND UTILITY ON ALL FORTY RIVERS, ALL ONE HUNDRED AND THREE SEGMENTS AND SEVENTEEN HUNDRED AND FIVE AND A HALF RIVER MILES OF HABITAT THIS BILL SUGGESTS.

BRIEFLY, I WOULD SUMMARIZE THE GOAL TO BE DIRECTED TO AN ECOLOGICAL HEALTHINESS AKIN TO THAT CIRCA 1849 AD. IF ERAS WERE TO BE MORE GENEROUSLY CUT, I WOULD SUGGEST THAT WE REHABILITATE WHAT WE HAVE THAT CAN BE MANIPULATED TO A STATE MUCH LIKE THAT OF THE 1500'S.

REGARDING FISHERIES, WE PREFER NATIVE SPECIES TO WILD TYPES TO HATCHERY JOKES. AS SERIOUS AS IT MIGHT BE, WE PREFER TO

KEEP THE SPECIAL WHITEHORSE CREEK CUTTHROAT AS PURE AN ALVORD CUTTHROAT STRAIN AS WE CAN. WE PREFER TO EXPEND OUR ENERGIES ON SPECIAL SPECIES LIKE THIS SOUTH EASTERN OREGON CUTTHROAT AND ITS HABITAT WHICH IS IN GOOD POSITION FOR BECOMING THE TROUT CREEK WILDERNESS. WE PREFER TO DISCUSS THE IMPORTANCE OF CHANGING OUR MANAGEMENT STRATEGIES TO COINCIDE WITH STATE OF THE ART KNOWLEDGE CONCERNING RECREATION, ECOLOGY, AND THE PROGNOSIS OF DEVELOPMENT OF THESE WAYS OF LIFE.

WE PREFER TO MAINTAIN THE INTEGRITY OF WHAT LITTLE RESOURCE WE HAVE. DO YOU KNOW THAT BECAUSE IT DID NOT HAVE THE BENEFIT OF THE PRESENT TUNAS, THE STATE OF MICHIGAN EXTERMINATED A SPECIES OF SALMONIDS, THE MICHIGAN GRAYLING. SUCH AN ACT OF PHILOSOPHICAL NEGLECT SHOULD STAND LIKE THE HOLOCOST TO THE INTERNATIONAL HEBREW NATION.

REALIZE THAT THE PANSY GRAYLING FLOUNTING THAT EXTRAORDINARY DORSAL WAS WIPED OFF THE FACE OF THE EARTH FOREVER BY FOLKS WHO DID NOT HAVE SENSITIVITY TO INTERSPECIES COMPETITION AND BY FOLKS WHO THOUGHT THAT INTRODUCING A SPECIES WAS FUN.

GONE FOREVER ARE THE ANCESTORS OF THE FISH WHICH AREN'T THERE ANYMORE. SOMETIMES IT PAYS TO PONDER WHAT IT IS WE HAVE ALREADY LOST.

WHAT YOU HAVE OFFERED WITH S 2148 IS A HIGHWAY DIRECTION SIGN WHICH SAYS, "WE HAVE TAKEN THE SCENIC ROUTE HERE."

AS I RECALL DAYS WINDING THE SILETZ RIVER FROM VALSETZ TO THE NORTH FORK, "WE HAVE TAKEN THE SCENIC ROUTE," MEANS ALOT OF OREGON TO ME.

FIFTEEN YEARS AGO, THE FORESTS BETWEEN VALSETZ AND THE FISHLADDER WERE UNCUT. THE ROAD I TOOK WAS NO BETTER NOR WORSE FOR THE CORDOROY WHICH DEFINED THE SPEED AT WHICH IT WAS TAKEN. FIFTEEN YEARS AGO, THERE WAS A DIFFERENT TYPE OF TRAFFIC THAN THERE WAS LAST YEAR. A PEDALPOINT OF HISTORY REMAINS, BUT EVEN THE RIVER CHANNEL HAS CHANGED WITH NEW GRAVEL BARS AND LOST SHOALS. FIFTEEN YEARS AGO, SCENIC DESIGNATION OF THE SILETZ WOULD HAVE MADE A DIFFERENCE. IT'S REALLY TOO LATE NOW.

NONETHELESS, YOUR BILL SAYS CLEARLY THAT IT IS NOT TOO LATE ON FORTY RIVERS, 103 SEGMENTS AND 1705.5 MILES OF OREGON'S WATERWAYS.

THIS IS ITS CHIEF ATTRACTION TO THE COALITION FOR THE DESCHUTES.

S 2148, THE OMNIBUS OREGON SCENIC WATERWAY BILL STATES FOR THE RECORD, WHICH MAY BE READ ANYTIME FROM NOW UNTIL MY GRANDCHILD READS IT AND AFTER, THAT WE OF THIS GENERATION OF CONCERNED ADULTS HAVE DECIDED THAT TIME'S DEGRADATION STOPS HERE. WHAT WE MEAN IS WORLDS MORE. WHAT WE MEAN HAS SOMETHING TO DO WITH A CONFLICTING SET OF COMPLICATED MORES AND GESTALTS. WHAT WE MEAN IS THAT EVEN NON DECISIONS ARE

DECISIONS, AND NON DECISIONS ARE NOT NECESSARILY WHAT WE PREFER. WHAT WE MEAN IS THAT ON AT LEAST THIS AMOUNT OF WATER WE DESIGNATE SOMETHING AS SPECIAL THE WAY IT STANDS -- OR FLOWS.

THE DESCHUTES, THE JOHN DAY, THE CROOKED RIVER, THE CLACKAMAS, THE ROARING, THE SALMON, THE NESTUCCA, THE SILETZ, THE SANDY, HOOD RIVER AND SQUAW CREEK ARE RIVERS WITH WHICH I HAVE HAD MORE THAN FIFTEEN YEARS HISTORY.

THEY ARE NOWHERE NEAR THE PEAK OF EXCELLENCE THEY WERE YEARS AGO. HOW MUCH MORE PRISTINE WERE THEY TWO HUNDRED YEARS AGO?

THAT WE CAN NEVER ANSWER. BUT WE CAN OFFER AN OMNIBUS OREGON SCENIC WATERWAY BILL WHICH CAN BE USED BY THE INGENIOUS TO ATTRACT MORE SUBSTANTIVE ATTENTION TO RIVERS OF OUR DEVOTION.

THE RAMIFICATIONS OF THIS BILL ARE EXTRAORDINARY AND BENEFICIAL.

THE MESSAGE TO THE REGION SIX FORESTER AND HIS SUPERVISORS IN THE FOREST SERVICE WILL HAVE A CLEAR DIRECTIVE IN MANAGING THE RIVERS INCLUDED IN THIS BILL AND THEIR TRIBUTARIES. THE BLM WILL KNOW THAT THE DISSENTING VOICE AT THEIR PLANNING SESSIONS TRULY REPRESENTS A LARGER POPULATION WITH A HEALTHY ECOLOGY AS ITS GOAL.

COUPLED WITH THE NORTHWEST POWER PLANNING COUNCIL'S PROTECTED AREAS PROGRAM, THE DESIGNATION OF THESE SEVENTEEN HUNDRED RIVER MILES WILL SEND A MESSAGE TO RESOURCE USURPERS TO KEEP HANDS OFF OREGON.

INSTEAD, THOSE WHO HAVE A MODERN APPRECIATION FOR THE VALUES OF FREE FLOWING RIVERS WILL SEE OREGON AS A HAVEN FOR THEIR RECREATION AND QUITE POSSIBLY FOR THEIR HOMES AND BUSINESSES.

MAKING A LIVING IN A SERVICE ORIENTED COMMUNITY AS A RETAILER, I BELIEVE THAT THE PASSAGE OF THIS BILL WILL HAVE A STRONG POSITIVE ECONOMIC EFFECT ON MY COMMUNITY AND ON THOSE WHICH ARE LOCATED NEAR SPECIAL RIVERS. THE STATE'S TOURISM WILL, AS A WHOLE, BENEFIT BY ASSOCIATION WITH SUCH SUBSTANTIVE PROTECTION OF A SINGLE SET OF RIVERINE RESOURCES.

THE INCLUSION OF SO MANY RIVERS WILL BENEFIT THEM ALL BY SPREADING THE WEALTH OF FAME. THE BENEFIT WILL BE THAT TOO MUCH LOVE, ATTENTION, AND USE WILL NOT FALL TO ANY SINGLE AND THE REASONS FOR ITS DESIGNATION WILL NOT BE COMPROMISED BY DESIGNATION.

AS WELL AS BEING CHAIRMAN FOR THE COALITION FOR THE DESCHUTES, I AM OREGON'S NATIONAL DIRECTOR TO TROUT UNLIMITED. FROM THAT PERSPECTIVE, I CAN ONLY SAY THAT THE

IMAGE OF OREGON WILL BE ELEVATED INESTIMABLY BY THE PASSAGE OF THIS BILL.

THE MESSAGE IMPLICIT TO MY FELLOW DIRECTORS IS THAT OREGON AGAIN HAS LEAD THE WAY WITH SOUND A ECOLOGICAL AND LIFESTYLE DEFINITION. LIKE YOUR WILDERNESS BILL, THE OMNIBUS OREGON SCENIC WATERWAY BILL ANNOUNCES THAT WE HAVE A CONSCIENCE AND WE HAVE THE WHEREWITHAL TO FOCUS ON WHAT IS IMPORTANT IN LIFE.

THE BOLD NEW GROUND THIS BREAKS IS EXTREMELY ENCOURAGING TO THOSE OF US WHO HAVE BEEN CLAMORING FOR RECOGNITION OF THE IMPORTANCE OF PRUDENT TREATMENT OF OUR NATURAL RESOURCES.

FOR YOUR POWERFUL LEADERSHIP, WE THANK YOU. FOR THE OREGON OMNIBUS SCENIC WATERWAY BILL OF 1988, WE THANK YOU.

Senator **Hatfield**. Thank you. Thank you very much.

## STATEMENT OF BECKY POWELL, LEAGUE OF WOMEN VOTERS OF DESCHUTES COUNTY, BEND, OR

Ms. **Powell**. Senator Hatfield, Representative DeFazio, I'm Becky Powell representing the Deschutes County League of Women Voters.

On behalf of the League I'd like to thank you for the time and trouble you have taken to involve the community in the decision-making process. Local hearings such as these are essential to enable citizens to be involved in the democratic process.

We commend the Senate and the House of Representatives for the Omnibus National Wild and Scenic River Bills currently under discussion. They will provide a much-needed framework for scrutiny, planning and balancing of the many competing natural and manmade uses of the increasingly impacted rivers as we see here today.

We support the inclusion of all segments of the Deschutes River mentioned for the purposes mentioned in Senate—I'm sorry, S. 2148.

In addition, in accordance with State Women League Voters opinion, we urge the Senate to include the Upper Klamath River in their deliberations for both scenic and recreational purposes.

Thank you for this opportunity.

Senator **Hatfield**. Thank you very much. We thank each one of you and for the presentations.

First of all, I'd like now to call for the first panel on the standby people, Mr. Brian Meece, Ms. Shelley Smith, Ms. Jan Boettcher, Ms. Jane Poor, Mr. Robert Bryant.

Are those five people present? All right.

Mr. **Steve Rewick**. Is Mr. Brian Meece or Mr. Steve Rewick present? And Steve Rewick and Mr. Doug Warrington. Either one of those gentlemen here?

Mr. John Judy, Mr. Dieter Mahlein. Mr. Ted Keener, Ms. Dee Caputo.

Well, if these other people have not shown up you can have three minutes. So please proceed.

Ms. **Smith**. Thank you, Senator, and Congressman DeFazio, I'll be seeing you again on July 1st.

Senator **Hatfield**. Congressman DeFazio is having to leave for a meeting in Roseburg, I believe.

Mr. **DeFazio**. Roseburg.

Senator **Hatfield**. So we are very happy, once again, Congressman, for your presence here today and for your staff Jeff Steers. Please proceed.

## STATEMENT OF SHELLEY SMITH, EUGENE, OR

Ms. **Smith**. Thank you. My name is Shelley Smith, and I'm a fourth-generation landowner and resident of Belknap Springs on the Upper McKenzie River.

I'm here today to present a petition from 88 citizens, the majority of whom own land and property on the McKenzie River, expressing our appreciation to you, Senator, for your commitment to preserve Oregon's river heritage, and also requesting that the draft be amended to exclude that portion of the McKenzie River from McKenzie Bridge up to the Willamette National Forest boundary; it's approximately five miles.

That five miles is a residential community, primarily, of citizens who have small land holdings, private homes, some of which are as large as one mile. In that area, the citizens are adamantly and unanimously opposed to the inclusion within the Wild and Scenic Rivers Act. There really is no threat to that section of the McKenzie River, and we feel that those of us whose homes are on that portion of the river are best able to watch out for it, to preserve it, to make sure that detrimental effects are not felt on that section. We are the most highly motivated and certainly probably better able than any government agency to do that.

The U.S. Forest Service in 1982 did not recommend the McKenzie River for inclusion in this act. I was part of a citizens advisory council then in 1982 and 1983; we did not recommend it, either.

We feel that there really is no reason for an inclusion of this particular section, and we ask you to move the boundary up to the Willamette National Forest. That's only five miles out of 1,705. And I'd also like to ask that additional comments about the reasons on the suitability of that section be read in my written testimony. Thank you very much.

Senator **Hatfield**. We'll include that in the record. Thank you very much.

Ms. **Smith**. And here is our petition.

[The prepared statement of Ms. Smith follows, the information referred to was retained in subcommittee files:]

# TESTIMONY OF SHELLEY P. SMITH REGARDING THE McKENZIE RIVER: CONGRESSIONAL HEARING ON THE WILD AND SCENIC RIVERS ACT, BEND, OREGON, MAY 30, 1988

I am a fourth generation owner of Upper McKenzie property. Land at Belknap Springs has been in my family since 1908 when my great-grandfather first purchased it. I am also a lawyer practicing in Eugene and an owner of a kayak, canoe and raft in which I have toured many of Oregon's waterways. My perspective on the issue of the designation of the Upper McKenzie comes, therefore, from many vantage points.

I am in favor of maintaining the river under the U.S. Forest Service preferred alternative "special interest" designation, however, if the river is to receive designation under the Wild and Scenic Rivers Act, I am opposed to the inclusion of that portion from McKenzie Bridge to the upper limits of private property at Belknap Springs.

The boundary at McKenzie Bridge is arbitrary and meaningless in terms of the objectives of the Act. Dozens of private property owners live above McKenzie Bridge and the river up to Belknap Springs is primarily a residential community. These landowners have traditionally been the best stewards of their land. The people whose homes are along its banks are more motivated than any government agency to " prevent detrimental effects" to the river. The last private property other than that owed by EWEB is at Belknap Springs. Belknap Springs itself has been an active resort which has presently or in years past had a post office, dance hall, cabins, lodge, two public swimming pools, footbridge across the river, restaurants, hot mineral baths and boat launch.

The "unique" and "special" characteristics of the river exist primarily above Belknap Springs where it is much more wild. At Belknap Springs the river changes course from its north-south direction to east-west. The volume of water in the river also changes in this area with the addition of Deer Creek and Scott Creek. The natural break between regulated and unregulated sections of the river is, therefore, the bend above Belknap Springs.

The citizens of the river above McKenzie Bridge are solidly opposed to the inclusion of this stretch in the Act. Not only does the petition signed by the residents attest to this fact, historically they have also opposed designation. In 1982, the Forest Service formed a citizen advisory group to assist it in the study of the potential of the river for inclusion in the Act. The group concluded that the best means of providing quality river management while allowing multiple use management of adjacent lands was for there to be no designation under the Wild and Scenic Rivers Act. Instead, the group advised that the land be managed under the Forest Land Management Plan. The report of this citizen review group dated March 30, 1983 advised that this entire stretch of river was unsuitable for designation under the Wild and Scenic Rivers Act because of conflict with river crossings, utility uses, road uses, and already highly developed existing residential and commercial uses.

There is no immediate or foreseeable threat to the quality of the river between McKenzie Bridge and Belknap Springs, its character or nature. There presently exists plenty of access for the public to the river, in fact, the Forest Service is committed to improving and expanding the boat landing at Paradise Campground, mid-way in the 5 mile stretch below Belknap. It is inconceivable that the United States Congress would authorize a dam along this section of river.

Land use restrictions in Lane County are strict and comprehensive. There is presently a 50-foot setback requirement for new building on the upper river and the entire stretch is zoned to protect forest lands, watershed, wildlife and fishery habitat and recreation. No major development is possible on the river presently or in the future. Oregon's land use laws and Lane County's implementation of them is becoming stricter, not more lenient, as the recent Oregon Supreme Court decision regarding forest zoning illustrates.

The community of residents along this section of river is adamant that it does not want nor need an additional layer of bureaucratic management which would be the result of inclusion in the Act. There are potentially unknown liabilities as well as the actual threat of condemnation for easements of various types. The upper river is difficult to navigate and this year has already claimed a life. Residents fear that designation will invite additional use by the inexperienced boater resulting in more accidents and deaths. The increased use would likely bring more trespass, vandalism, theft and campfires on private property which already trouble homeowners along the upper river.

I urge you, Senator Hatfield, on behalf of the residents of the upper river to amend the draft to exclude the private property above McKenzie Bridge from the Act. This is only a small number of river miles (5), from the total of over a thousand. If the McKenzie is deserving of the designation, let it apply to the section of north-south flowing water above Belknap Springs.

Respectfully submitted,

Shelley P. Smith

Senator **Hatfield**. I thank you for the petition, as well.

Next.

## STATEMENT OF JANE POOR, COALITION FOR THE DESCHUTES, BEND, OR

Ms. **Poor**. Senator Hatfield, I wish to express to you my deep appreciation for the introduction of the Omnibus Wild and Scenic Rivers Act. As I began to marshall——

Senator **Hatfield**. Will you identify yourself?

Ms. **Poor**. I'm Jane Poor. As I began to marshall arguments in support of the bill, the phrases which sprang to mind sounded trite and hackneyed. No words can convey what Oregon's clear sparkling rivers, rushing along through incomparable scenic vistas, means to one reared on the plains of Kansas, where the only water for miles around was that found in muddy stagnant ponds left in the draws in the wake of thunderstorms.

The free-flowing rivers of Oregon are a national treasure, which is endangered by insidious threats from every direction. Hydropower speculators, timber interests, both private and Federal agencies, irrigators, developers, ranchers and miners, continuously press to maximize their profits without due consideration for the cumulative effects of their activities upon the health and preservation of the river systems and their environment.

Wild and scenic values are to be highly prized. When damaged and degraded they may require years or centuries to recover. We well know that in many instances the damage is irreversible. Unfortunately, there are those among us who have no appreciation for natural beauty or feel that it is of lesser value than economic interests.

I would argue that mankind has an obligation to be stewards of the environment, and to preserve the unique diversity of nature in order that future generations may enjoy and benefit from some relatively pristine landscapes and river-related experiences.

Moving from generalities to specifics, I am especially pleased to note that the Oregon Wild and Scenic Rivers Act includes the Deschutes River. This is important to me personally and has far-reaching ramifications. It has come to my attention that a segment of the Crooked River west of Highway 97, and another segment of the Crooked River beyond Prineville, have been included in the act. However, the segment of the Crooked River flowing through Smith Rock State Park has not been included for protection. I consider this a serious omission, as Smith Rock is a popular and widely acclaimed scenic and recreation area.

In conclusion, I urge that Federal protection for Oregon's wild and scenic rivers be enacted into law without delay. Furthermore, I argue—I urge that we not narrow, but expand our vision as we consider and designate segments of rivers worthy of defense and preservation from exploitation and development.

Thank you, Senator.

Senator **Hatfield**. Thank you very much.

Next.

## STATEMENT OF JAN BOETTCHER, OREGON WATER RESOURCES CONGRESS, BEND, OR

Ms. BOETTCHER. Welcome, Senator and staff, I'm Jan Boettcher from the Bend area. I represent the Oregon Water Resources Congress, which is the irrigation drainage and water control districts in Oregon. And as a former irrigation district manager, I feel that I can share some expertise in that area.

We were founded 76 years ago, and as our articles of incorporation state, we do support conservation of the natural water resource. However, we see that in the eye of coordinating it with effective development, and we offer a compromise which would extend the opportunity for full public comment and state agency reviews, which have not occurred.

Within the framework of the bill, we request a study period that would—that could be defined which would allow us appropriate time in which to hold hearings in all the affected basins. In your current—not current, but your previous legislation, such a study was set up and it was found to be somewhat effective in looking at the issues in more detail.

The hearings could be scheduled to begin after the strategic water management group, the coalition of state agencies, managing our resources, collects and prepares data and provides an opportunity for the public to review it.

Under the administration of your staff in conjunction with that group, hearings could be held around the state in each of the affected basins. This would not only provide the time necessary to develop this quantitative data, but it would bring the hearings right into the basin affected and also provide staff with the opportunity to look at these sites.

Another area of concern that our association shares is how the planners will implement the bill. I've talked with the Forest Service, both in this region and locally, and find that there is not much rule-making detail on how the bill could be carried out under the 1968 act.

We have heard scenarios such as existing dams may not be able to be enlarged or maintained in the same manner that they are now, and certainly those kind of concepts scare us if we don't have an opportunity to know what they are before the legislation is passed.

We appreciate your hearing our comments and you'll hear from some of our other folks over in Grants Pass on Wednesday.

Thank you.

Senator HATFIELD. Thank you very much.

## STATEMENT OF JOHN JUDY, CENTRAL OREGON FLYFISHERS, CAMP SHERMAN, OR

Mr. JUDY. Senator, my name is John Judy. I am a writer and fly fisherman from Camp Sherman, Oregon.

I live near the Metolius River, and I would like to speak, in particular, to the amendment to the bill which suggests that a portion of the Metolius, the lower portion below Bridge 99, be given a wild designation.

That's an area of the river with which I'm very personally familiar, and I think that a wild designation of that area is very deserving, rather than simply a recreational designation, because it's a very unique portion of the river.

I've spent quite a bit of time in that area in recent months; I've had some personal difficulties in my life recently. About a year ago my wife filed for a divorce on me, and about three months ago I lost my job at work. And I believe that I probably would have wound up down in Salem in the institution, had I not been able to spend some time down in that section of the Metolius, had I not been there.

Recently, my story has taken a nice turn. I've found a job in a very nice flyfishing shop in Camp—in Sisters, and working there I get an opportunity to work with people who are using these resources that are there. And I cannot emphasize to you enough the importance of the human spirit and the feeling that people can receive from those rivers and those waters, and the importance of having these waters protected for future generations.

I think of two gentlemen who came into our shop earlier this week. They were a doctor and a lawyer; they were looking for an opportunity to go somewhere. They spent quite a bit of money with us, they developed the economic resources of our Sisters area, but when they went on down to that river, they came back and—they drove some distance back to see us in the shop, and explained to us that, gee, that river just put us on top of the world. We can go back to Portland now and do our jobs and do our existence.

And I think you're to be commended for presenting this bill. And two rivers of great importance to me are the Metolius and that lower section of the Metolius, the 109 miles of the Deschutes. There are many other rivers listed in the bill which are extremely important, as well.

Thank you.

Senator **Hatfield**. Thank you very much.

## STATEMENT OF DEE CAPUTO, OREGON RIVERS COUNCIL, LA GRANDE, OR

Ms. **Caputo**. Good morning, Senator Hatfield, my name is Dee Caputo; it's a pleasure to be here today. It's a pleasure to be here today and have this opportunity to participate in the process of registering support for your Wild and Scenic Rivers Bill.

Senator **Hatfield**. Would you identify yourself for the record, please, too.

Ms. **Caputo**. Dee Caputo. This is a tremendous endeavor, truly a wonderful plan to help in desperately needed protection of our last remaining free-flowing rivers in Oregon.

Having worked closely with Oregon Rivers Council for the last school year helping to map the rivers that are in your bill, I know the long hours and superhuman efforts involved to accomplish this task. I believe you are doing a splendid job, for which I cannot thank you enough.

I hope that whatever motivates you to be amongst the forerunners in legal river protection continues to stimulate and reward you. We need more of your kind with our best interests at heart.

I've chosen to condense my speech here, so I'll just go to my last paragraph, which is to say, Senator, I realize that time is limited and I am unable to thoroughly cover all of the rivers in your bill. Nevertheless, I must mention several of them located in my neck of the woods. Please remember the John Day River System, the Powder, the Eagle Creek, Grande Ronde River, all very special places to be, and beware, as in the case of the Grande Ronde, that many of the rivers in your bill flow through plural states, and truthfully, need protection from the headwaters of the rivers end.

Only by perceiving and managing our nation's waterways in their entirety, can we hope to successfully secure the future of our rivers.

Thank you, again, Senator Hatfield, for keeping our best interests at heart.

Senator HATFIELD. Thank you very much, Miss Caputo.

Thank you, all of you, on this panel.

Let me now call again Mr. Len Mathisen, Mr. Cal Elsoff and Mr. Mike Sallee.

Now, there were some that I called before that were not present; let me call them again. Mr. James Mann, Mr. Richard Koplitz, Mr. Tom—he was being spoken for. Mr. Chuck Holliday, Mr. Mark Minturn, Mr. Chuck Shonnaker, Mr. Peter Dobert, Mr. John Harken, Mr. Brian Meece, Mr. Robert Bryant, Mr. Steve Rewick, Mr. Doug Warrington, Mr. Dieter Mahlein, Mr. Ted Keener.

You are Mr.——

Mr. MATHISEN. I am Len Mathisen.

Senator HATFIELD. For the record.

Mr. MATHISEN. Senator.

Senator HATFIELD. Now, Mr. Mathisen, just wait a minute.

Mr. Cal Elsoff, Mr. Mike Sallee.

You're a panel of one. Please proceed, Mr. Mathisen.

## STATEMENT OF LEN MATHISEN, COALITION FOR THE DESCHUTES, BEND, OR

Mr. MATHISEN. This will be very brief. I am also a member and representative of the Coalition for the Deschutes.

The introduction of Senate Bill 2148 is a major step leading to the protection of many of Oregon's outstanding wild, scenic and recreational rivers, which have long needed this kind of consideration and protection.

I wholeheartedly support the Coalition for the Deschutes' recommendations, not only in respect to the Deschutes River and its tributaries, but also for the national wild and scenic designation and all the other noteworthy Oregon rivers.

Designation of these streams under the Wild and Scenic Rivers Act of 1968 will complement the Northwest Power Planning Council protected areas designation, and will directly include the U.S. Forest Service and Bureau of Land Management into a local, coordinated management planning partnership with land owners, local and state governments.

I specifically and also recommend that the Upper Klamath River be added to Senate Bill 2148.

Thank you for this opportunity.

Senator HATFIELD. Thank you, Mr. Mathisen.

Now, a few logistics and we'll be just within the time frame. I want to thank all of you again for your presence here, and especially for the cooperation that both the witnesses and others have provided.

I'd like to say that we have scheduled, thus far, on the Alsea question particularly, a meeting on June the 7th that will be at Stewart Center on the Oregon State Campus in Corvallis; a second one on June the 29th at Waldport Elementary Grade School—or elementary school in Waldport from 7:00 to 10:00 p.m. at night, and the one in Corvallis as well as 7:00 to 10:00 p.m. at night, so that people can come from work and other activities to participate in those meetings.

Now, that will not be a formal hearing; what we will have is representatives from the various Federal agencies and from my office. I will invite Senator Packwood to send a representative; I will invite Congressman DeFazio, Congressman AuCoin, Congressman Wyden, Congressman Smith, also to send representatives as they wish.

What we will try to do at that meeting will be to deal with some of the specific questions that were raised in this formal session and take the opportunity to perhaps clarify or at least to allay some of the concerns of the people who have been here this morning.

I would also like to say that it was a pleasure to have Congressman DeFazio. He and Congressman AuCoin and Congressman Wyden have introduced a bill on the same subject that is somewhat similar, but has additional rivers included. And Congressman Denny Smith has sponsored, in the House of Representatives, the same bill that Senator Packwood and I have introduced into the Senate.

Once again, I'm most grateful to my Chairman, Senator Bennett Johnson of Louisiana, and for the representative and majority staff, Mr. Tom Williams, who has been here staffing this session this morning.

For the staffing of my own office, Mark Walker, to my right; Mike Salsgiver of the Portland office behind me; Emily Barlow, who is here representing Senator Packwood's staff; Mr. Jeff Steers, who left with Congressman DeFazio for a further meeting somewhere else in his district; Jim Hanlock, who is the district director of the BLM at Prineville for his presence here today; Mr. Joe Higgins of the Forest Service regional recreation office; Mr. Norm Arsenault, who's a forest supervisor for the Deschutes National Forest, I am grateful for their presence here today. And again, to the court reporter, Catherine Teach, for her tenacity in hanging through all of this hearing.

So to each one of you I give you my appreciation for your presence. I believe I have set an all-time record above any member of Congress from Oregon in holding field hearings on major legislation.

I feel very strongly the importance of citizen input as demonstrated here this morning. We will have another hearing on this bill in Grants Pass, Oregon, and we will continue to try to meet with individual groups or communities through staff coming to your community, sitting down with you in less formal setting to discuss these matters and to get a more complete understanding of them.

There is no rush to move this bill through the Senate. I expect it will probably happen late in the session; in the meantime, however, we are going to be about the business of getting the public input and trying to respond to the issues raised by the public witnesses. So with that we stand adjourned.

[Whereupon, at 12:05 p.m., the hearing was recessed, subject to the call of the Chair.]

# OMNIBUS OREGON WILD AND SCENIC RIVERS ACT OF 1988

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WEDNESDAY, JUNE 1, 1988

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS,
NATIONAL PARKS AND FORESTS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
*Grants Pass, OR*

The subcommittee met, pursuant to notice, at 8 a.m., in the Grants Pass City Hall, 101 Northwest A Street, Hon. Mark O. Hatfield presiding.

## OPENING STATEMENT OF HON. MARK O. HATFIELD, U.S. SENATOR FROM OREGON

Senator HATFIELD. Welcome to today's hearing. This is an official hearing of the Senate Public Lands, National Parks and Forests Subcommittee. I'm pleased to be in Grants Pass this morning and look forward to receiving testimony on the Omnibus Oregon Wild and Scenic Rivers Act of 1988 from the various witnesses who have signed up for this hearing.

This is the third field hearing that we have held on this bill, one in Oregon City, one in Bend and today in Grants Pass. We'll have at least one more which will be in Washington and possibly another one in Oregon.

We will continue to receive information. We have two meetings scheduled for staff and representatives of the federal agencies, one in Corvallis on June the 7th and one in Alsea or one in Waldport, Oregon, on June the 28th. Those meetings will be in public facilities and they will be at night from 7:00 until 10:00. I'm most anxious to receive all the public input possible within our limits of time and distance.

Senator Packwood and I introduced S. 2148 on March the 4th, 1988 and the first hearing was held on May the 3rd.

I should indicate here that Congressman Denny Smith introduced the same bill on the house side and we also have a bill on the House side that has been introduced by Congressman DeFazio, Congressman AuCoin and Congressman Wyden.

Congressman DeFazio joined us on the hearing for the hearing in Bend and Congressman Denny Smith joined us for the hearing in Oregon City.

I would like to thank Senator Johnston of Louisiana, who is the Chairman of the Senate Energy and Natural Resources Committee and Senator Bumpers of Arkansas, who is the Subcommittee Chairman, for agreeing to schedule this hearing. I very much appreciate their cooperation and their keen interest in this bill.

I am constantly made aware of the national significance of this bill by, I believe now 39 other states' inquiries to our office as to the strategy and the origins of the bill. This draft discussion bill suggests the addition of at least 103 segments of 40 rivers to the Federal Wild and Scenic Rivers system.

When introduced, this represented the largest single effort to enlarge the Wild and Scenic Rivers System in the lower 48 states since Congress enacted the Wild and Scenic Rivers Act in 1968. The approximate number of the national system is only 70 segments of rivers.

Currently only 4 Oregon rivers—portions of the Rogue, Snake, Owyhee and Illinois Rivers totaling just 317 miles, are protected under the Wild and Scenic Rivers Act. This bill would add 1,705 more miles of Oregon rivers to the national system.

In developing the descriptions for the river segments in this draft bill, I drew on information from the draft land management planning processes for both the Forest Service and the Bureau of Land Management. The purpose of this and other hearings is to evaluate the qualities of each of these river segments, and to determine whether they possess the extraordinary natural qualities necessary for inclusion in the Federal System. Some rivers may be removed from the bill after consideration. Others may be added. Descriptions for other rivers already in the bill may change as we gather more information about them.

As you examine the witness list you will notice two panels devoted to issues surrounding the management of the Upper Klamath River. These panels have been organized as a result of the tremendous amount of interest shown by individuals on both sides of the issues.

The Upper Klamath is not in my bill, nor do I intend to include it in my bill. There are two basic reasons for that. One is that I feel strongly about the right of citizens to pursue a process to conclusion, a process that is established by law. I feel strongly that until the answer is given on this project which has been in the making for some ten years, it should proceed through the state agencies and through the federal agency as the right of citizens to pursue such action.

Secondly, I'm not a lawyer; however, my lawyers tell me that we could put the entire bill into jeopardy by including the Upper Klamath.

People have forgotten that there is an Interstate Compact between Oregon and California. The Interstate Compact gives the authority to the Commission to allocate all waters in the Klamath Basin. Until that legal question is resolved, and it is in the process of being reviewed, we could put the entire bill into jeopardy by an injunction—which almost anybody can get—from at least the Ninth Circuit. So that I have no intention of letting some 39 or 40 other rivers be put into jeopardy because we included the Upper Klamath.

I just want to make that clear. There is no way you can persuade me to include the Upper Klamath. That's the decision of the jury before the case has been heard, it so appears. But I can assure you that I'm very serious about getting approximately 40 rivers included in the wild and scenic river system and I don't want to end up with the lawyers.

We can get this bill, I think, through the Senate this session. I increasingly feel the significance of this bill not only for Oregon but for awakening the entire nation from their slumber to exercise the opportunities presented by the Scenic Wild River act.

We've had so little action on that law which we passed 20 years ago. So I really want to say I feel strongly about getting this bill through the Senate without any legal impediments. That may be removed before the process is completed by legal opinion; however, right now my legal opinion tells me that there is a serious question about whether we can actually include that river because of the violation that it appears to have on the rights and the authority vested in the Interstate Compact Commission.

State of Oregon is now reviewing information relating to this project as well. I have discussed this thoroughly with the governor and we have an understanding as to my reasoning.

Before I call our first witness, I would like to discuss the procedures we will be following today. And as you can see from the witness list, all of you will be speaking in panels and this panel format really helps us save time and organize the testimony. However let me also assure you that appearing on a panel does not mean that you necessarily agree with everyone else on the panel. These are all individual opinions being expressed or representative of groups.

When the panel is called, please approach the dais to my left and be seated as quickly as possible. Please hold on to your written statements until your panel is called. The staff will collect your statements as you come forward and if you are not testifying but have a written statement or letters for the hearing record, give them to a member of the staff at any time during the hearing.

When you begin your testimony, please speak directly into the microphone and identify yourself so that our court reporter may record your name.

Due to the large number of witnesses scheduled today, it will be necessary to limit your oral testimony to three minutes. We will be using the timer so that you can tell when your time is up. Green light means begin; yellow light means you have one minute left; and red light means to stop. This procedure will help keep things moving and give us more time for testimony.

Additionally the hearings record will remain open for two weeks to receive additional materials and statements and testimony. If you wish to submit such, you may send them to my Portland office or Salem office or Washington, D.C., or to the United States Senate Committee on Energy and Natural Resources in Washington, by June the 15th.

I'd like to add one additional point that came up in the Bend hearing, and I'd like all of you to give it some thought. We have three rivers that involve the checkerboard situation of land ownership in our state, which is rather unique. In the law it very clearly indicates that any amount of private land over 50 percent along any segment of river condemnation may be used in order to reach a management agreement, if a management agreement has not been cooperatively entered into.

I remember for 24 years that one of the great senators of all time—Wayne Morse—fought, and there was no legislation in that period of time that passed the Congress that gave the government condemnation for recreational purposes. He was thoroughly opposed to it. He said never while he served in the Senate would there be any kind of condemnation granted any agency in the federal government to condemn private land for recreational purposes. I can remember in the two years of my terms overlapping with the Senator from Oregon, Mr. Morse, how that was exercised with great strength, great conviction and I must admit that I was greatly affected by the soundness of his argument.

Now the Scenic Wild River law grants condemnation under that limited circumstance. I'm looking at the possibility on these three rivers of finding some reasonable further constriction on exercising condemnation.

I think there is something in the minds of many people who support the general picture here of Scenic Wild River designation and Oregonians in general find it odious for a government at the state, local or federal level to condemn private property for any purpose, least of all for recreational purposes.

I am not of the same persuasion to the degree that Senator Morse felt so strongly, but I must say I certainly have a queasy feeling about the exercise of condemnation. I basically feel that powers of government should be limited. I think that this raises some legitimate concern amongst people who will be affected in a unique way in that probably no other state is affected in the matter of dealing with checkerboard lands of federal ownership.

So I merely want to throw that out to invite some thought on that for sometime in the future in personal communication or communication to our committee, and I've alerted staff to start beginning a thought process. Maybe we can't come up with anything that would be appropriate. Maybe it's a black and white issue. I don't think so because the original law already recognizes a limitation. Maybe there is a reasonable way to work out further limitation.

The Alsea, the Joseph and the Little Deschutes—those are the three rivers in my bill that would be affected by the condemnation power. Maybe we can work that out. I hope so, because I want to include those rivers. If necessary, we'll just include them under the current provision of law. However, I'm troubled. I'm uneasy about it. I just wanted to be very open and frank with you on all of these controversial parts of the bill.

Okay, let's get on with the important testimony. Panel one is the Hon. Bill Bradbury, the Hon. T.V. Skinner, the Hon. Bill Vian, and the Hon. Nancy Peterson. Hon. Senator Bradbury, Commission Skinner, Commissioner Vian and Representative Peterson.

I might add one thing further I want to emphasize, particularly as it relates to the Upper Klamath. If—and we will not, as I say—we include the Upper Klamath at this time and should that process be completed, then when this bill is enacted into law, I can assure you that this is not the final statement on scenic are wild rivers. We hope to have further review and probably a bill down the road after it becomes apparent that there are other such segments of rivers in Oregon that should be protected in this manner.

So I want to assure people that we have been in the process over a period of time of adding the four rivers now in sequence and I am committed to continuing my efforts on broadening the Scenic Wild River law in the State of Oregon, and hopefully be a participant in urging my colleagues to do likewise in other states.

Gentlemen, lady, we are very happy to have you. I don't know who is scheduled to go first but that's up to you.

## STATEMENT OF HON. BILL BRADBURY, OREGON STATE SENATOR

Senator **Bradbury**. For the record, I'm Bill Bradbury, State Senator from Senate District 24 on the Southern Oregon coast. Pleasure to see you here.

Senator **Hatfield**. Senator.

Senator **Bradbury**. I wanted to appear today in strong support of your Omnibus Wild Rivers Bill, which is a bill that designates, as you have said, the numerous Oregon rivers under the Federal System.

I have to confess that I approached this issue from a somewhat biased point of view. In addition to being a State Senator, my favorite recreational pastime is running the rapids of many of Oregon's water gems in an inflatable kayak. I have known quite closely, and often quite wetly, many of the rivers that are before us today in your comprehensive, forward looking wild and scenic legislation.

Grande Ronde, the John Day, Donner Blitzen, the Deschutes, McKenzie, North Umpqua and Rogue, all of them are more than rivers on a map to me. Each is an experience. A special moment in time that cannot be duplicated by all of our people's contrivances and distractions.

Senator Hatfield, I think you are to be commended for introducing such a visionary piece of legislation that I believe will be remembered and appreciated for many generations to come. Thank you very much.

In addition to the rivers that you already have listed in your bill, I would ask that you give further consideration to the inclusion of portions of the Elk River in southwestern Oregon. The Elk has remarkable fishery benefits and recreational opportunities. It's a treasure worth preserving for our children and our grandchildren.

The timber industry recognized the value of the Elk in their "Evergreen Alternative" plan for the Siskiyou National Forest. They propose special protections for the Elk in their proposed plan for the Siskiyou and to me this clearly indicates that the Elk is not an ordinary river. And it deserves some special attention.

Now once again, I confess I am a little biased on this issue as well. My favorite summer swimming hole is about 20 miles up the Elk River. The water is as clear and cold as any you will find anywhere on the coast. The steep canyon walls provide a beautiful setting for a day of relaxation away from it all.

The DeFazio-AuCoin-Wyden version of the Oregon rivers bill includes the main stem of the Elk from the fish hatchery upstream. And all of that's a National Forest land except for one parcel and it includes both the North and the South Fork of the Elk as well.

I would like to suggest a slightly different configuration for the Elk designation—a configuration that dramatically reduces the potential impact on timber harvest within the Elk watershed while still maintaining the remarkable native salmon and steelhead fishery that exists there.

I would suggest the designation of the main stem of the Elk and designation of the first two miles of the North Fork. But do not feel that it's necessary to include the upper reaches of the North Fork or for that matter any of the South Fork.

There is a waterfall fish barrier about two miles up the North Fork and current research, and you will hear about this later, shows that there are no anadromous fish above the barrier. Just below the barrier, however, is what Dr. Gordon Reeves of OSU calls the best spawning area on the whole coast.

My proposal is to include the spawning area in the Wild and Scenic Rivers so we can guarantee continued native stock production while also allowing continued timber harvest from above the waterfall.

I visited the Elk recently with Siskiyou National Forest Supervisor Ron McCormick, the Powers District Ranger Ben Worthington. I have to tell you, I was impressed with the state-of-the-art logging techniques now used in the Elk Basin, and am convinced we can log the upper reaches of the North Fork watershed and still maintain the water quality necessary for a strong fishery, which is what the North Fork really represents.

The South Fork, on the other hand, has no identifiable spawning flats on it for salmon, although some steelhead do visit the area. It's not a significant contributor to the legendary Elk fishery, so I've not proposed including it in the Wild and Scenic Rivers System.

If you were to adopt the proposal I just outlined for wild and scenic designation on the Elk, you would protect the vital fishery and scenic values but you also maintain good timber production in the basin. So I would just ask that we include the Elk in your Omnibus River Bill.

I would ask that we reconfigure the boundaries of the wild and scenic designation—and end up what I believe is a "win-win" for all of us, which would be continued strong fishery production, scenic value and substantial timber harvest.

Thank you.

[The prepared statement of Senator Bradbury follows:]

BILL BRADBURY
COOS, CURRY & DOUGLAS COUNTIES
DISTRICT 24

OREGON STATE SENATE
SALEM, OREGON
97310

Testimony of Senator Bill Bradbury
S. 2148
Federal Wild and Scenic Designation

I appear today in strong support of S.2148, a bill designating numerous Oregon rivers wild and scenic under the federal system.

I approach this issue from a biased point of view - in addition to being a State Senator, my favorite recreational pastime is running the rapids of many of Oregon's white water gems in an inflatable kayak.

I have known quite closely (and often quite "wetly") many of the rivers that are before us today in your comprehensive, forward-looking wild and scenic legislation.

The Grande Ronde, the John Day, the Donner and Blitzen, the Deschutes, McKenzie, North Umpqua, and Rogue - all of them are more than rivers on a map to me - each is an experience - a special moment in time that cannot be duplicated by all of our people's contrivances and distractions.

Rivers were the lifeblood of Oregon years ago - today they are one of the few remaining vestiges of the wild beauty and remarkable resources we have inherited.

They are highly productive, producing millions of salmon and steelhead at virtually no cost to the taxpayers and helping support the commercial and sport fisheries, and a growing recreational and tourist economy.

Senator Hatfield, you are to be commended for introducing such a visionary piece of legislation that will be remembered and appreciated for many generations to come.

Thankyou.

In addition to the rivers already listed in your bill, I would ask that you give further consideration to the inclusion of portions of the Elk river in Southwestern Oregon.

The Elk has remarkable fishery benefits and recreational opportunities. It is a treasure worth preserving for our children and grandchildren.

The timber industry recognized the value of the Elk in their "Evergreen Alternative" plan for the Siskiyou National Forest. The proposed special protections for the Elk in their proposed plan for the Siskiyou clearly indicate that the Elk is not an ordinary river - and deserves special attention.

Once again, I am biased on this issue. My favorite summer swimming hole is about 20 miles up the Elk river. The water is as clear (and cold) as you will find anywhere on the coast. The steep canyon walls provide a beautiful setting for a day of relaxation away from it all.

But downstream at Oregon's Elk River hatchery, water temperature is approaching the critical point. Water temperatures in the summer regularly get within a degree or two of being too hot to support fishlife at the hatchery intake.

This leads to very careful logging practices on tributaries of the Elk by the Siskiyou National Forest, and clearly indicates that wild and scenic designation may be the best way to maintain this productive fishery with minimal impacts on the harvesting of timber.

The House version of the Oregon rivers bill includes the main stem of the Elk from the fish hatchery upstream (all of it national forest land except for one parcel) and it includes both the North and South Fork of the Elk as well.

I would like to suggest a slightly different configuration for the Elk designation - a configuation that dramatically reduces the potential impact on timber harvest within the Elk watershed, while still maintaining the remarkable native salmon and steelhead fishery.

I would suggest the designation of the main stem of the Elk, and designation of the first two miles of the North Fork, but do not feel it is necessary to include the upper reaches of the North Fork or any of the South Fork.

There is a waterfall fish barrier about two miles up the North Fork, and current research shows no anadromous fish above the barrier. Just below the barrier, however, is what Dr. Gordon Reeves of OSU calls "the best spawning area on the whole coast".

My proposal is to include this spawing area in the wild and scenic river so we can guarantee continued native stock production while also allowing continued timber harvest above the waterfall.

I visited the Elk recently with Siskiyou National Forest supervisor Ron McCormick and Powers District Ranger Ben Worthington. I was impressed with the state-of-the-art logging techniques now used in the Elk basin, and am convinced we can log the upper reaches of the North Fork watershed and still maintain the water quality necessary for a strong fishery.

To give you an idea of how productive this remarkable spawing and rearing area is on the North Fork consider these facts:
-The 1.5 mile spawning area on the North Fork is about 5% of the total spawning and rearing habitat on the entire river - and yet in 1985 12% of all the native stocks on the river were reared in this small area.

-In 1986, this 5% of the habitat provided for 15% of the native chinook on the Elk system.

So it is an important part of the Elk's fishery production, and deserves the special protection that wild and scenic designation would give it.

The South Fork, on the other hand, has no identifiable spawning flats on it for salmon, although some steelhead do visit. It is not a significant contributor to the legendary Elk fishery, so I have not proposed including it in the wild and scenic river system.

If you were to adopt the proposal I have just outlined for wild and scenic designation on the Elk, you would protect the vital fishery and scenic values, but also maintain good timber production from the basin.

The Forest Service currently projects a harvest of 151 million board feet of timber from almost 4,000 acres in the Elk basin over the next ten years.

My proposal for wild and scenic would reduce harvest slightly, and have a possible impact on the harvest of 10.6 MMBF from 453 acres over the next ten years.

It is important to note that under my proposal, only one potential timber sale on the North Fork is affected by the wild and scenic river designation. Sales on the main stem would be less impacted by the wild and scenic designation because the main stem will fall into the "recreational" category which allows some careful harvest.

So let's include the Elk in the wild and scenic river system, reconfigure the boundaries of the wild and scenic designation - and end up with a "win-win" for all of us.

Continued strong fishery production, scenic value, and substantial timber harvest.

I hope you will give the Elk careful consideration for inclusion in the final version of your bill.

Once again, thanks so much for introducting such a far-sighted piece of legislation. I look forward to its day of enactment.

Thankyou.

VOICE. Senator, the lights aren't working on the timer. The timer did not work.

Senator HATFIELD. We do not time public officials. Part of the fraternity.

## STATEMENT OF T.V. SKINNER, CURRY COUNTY BOARD OF COMMISSIONERS, ROSEBURG, OR

Mr. SKINNER. Senator Hatfield, and citizens of Oregon, my name is T.V. Skinner. I live at 30412 Hillside Terrace, Gold Beach, Oregon. And at present am Chairman of the Curry County Board of Commissioners. And I am speaking on behalf of the Curry County Board of Commissioners.

We'd like to thank you for holding this hearing today. And for allowing us the opportunity to address this very important issue.

The Curry County Board of Commissioners would like to express our concern in two areas, related to S. 2148 to amend the Wild and Scenic Rivers Act of 1968 and other purposes.

The first issue is a possibility of loss of revenues, federal receipts and private property taxes which are used to fund county government and schools in Curry County.

The second issue is the possibility of limitations on the uses of private property by private citizens.

Curry County has had a long standing public policy of opposition to continued increase in wilderness, wild and scenic rivers and other restrictions being added to federal and private land in our county. This policy is a natural reaction due to the large amount of our county which is in public ownership and to the fact that much of this land is already under special designations. This continued expansion protection designation of lands in our county has created an economic hardship for the people of the county, which was noted in the Curry County Comprehensive Plan, which I quote:

> The continued expansion of wilderness areas within the county has had negative impacts upon the economy of the county and the entire region by withdrawing commercial timberlands and mineral resource areas from future productions.

This is from the Curry County Comprehensive Plan, page 127.

Although this is a specific reference to wilderness designation, it can apply equally well to wild and scenic river areas since they are essentially lands withdrawn from multiple use management.

Acquisition of conservation easements or purchase of private property by the federal government, under the Act would have a negative impact on Curry County's special districts tax base.

However, due to the lack of information regarding economic impacts of S. 2148, and the House Resolution 4164 to Curry County and the cumulative effects on the region, we would like to delay our decision on either supporting or opposing this specific bill.

We sincerely appreciate the opportunity for time and consideration given on this important issue.

There is one foot note which is not in my written testimony that I'd like to mention. Curry County is in a peculiar situation in that our newspapers are all weekly newspapers. And they're printed on Tuesday night and some people don't get them until Thursday. We do have citizens, two at least that I know of, that are here with written testimony, who were not able to get signed up to speak as I have in that they didn't receive the paper until the day was gone. And I'd just like to suggest that possibly we could get a little more advanced notice due to our communication problems down in the inner lands.

Thank you, sir.

Senator **Hatfield**. Commissioner, I appreciate your suggestion. And I can understand the reasonableness of the request.

This is one of the major purposes of a public hearing, is to get information out and get information in. I want to assure you that as far as the tax base is concerned, there will be no change in Curry County because none of the river designations in Curry County will withdraw private land. It will merely provide an opportunity for private land owners to contain their land, condemnation purchase and all only occur where there is over 50 percent of that designation in private ownership. That is not the case in Curry County. So your tax base will not be affected.

As far as multiple use, the Act itself does guarantee continued multiple use for agriculture, for grazing, for timber, for existing water uses. Even under the designation, there are three designations in the Act: scenic wild recreation and even under the so-called Titus Regulation, that of the wild, those uses may continue.

I understand your concern and I'm happy to be able to reassure you. As these hearings progress, more of this type of information will get out. There is no reason for you to know otherwise except through such hearings as this one.

So, I'm very greatful for your presence here today and I hope you carry back to the people of Curry County a new assurance that one who has worked with you folks there for many years on many things, recognizes the tax base problem that you have in Curry County.

Also, there is the other problem you have in Curry County which is the shoot that starts at the California border and shoots everybody right up through Coos County with very little opportunity to get off Ownership there is a real problem. So, I appreciate what you are saying but I want to reassure you it will not be affected tax base wise.

Mr. **Skinner**. Thank you.

Senator **Hatfield**. Commissioner Vian of Douglas County.

## STATEMENT OF BILL VIAN, DOUGLAS COUNTY BOARD OF COMMISSIONERS, ROSEBURG, OR

Mr. **Vian**. Thank you. My name is Bill Vian. I'm the Commissioner in Douglas County. I'd like to thank you very much for giving us the opportunity here this morning to say a few words in the management of these important rivers.

I'd like first to talk very briefly about Steamboat Creek, which I notice in your bill has not been included. And my recommendation would be that we continue that track and do not include that river in discussion or in the bill.

The creek itself, if it were put in the Wild and Scenic River Bill and followed through on, it would be very detrimental in my opinion to the fish runs as being managed right now in a manner that the steelhead gang up in pools and rest there and spawning there in the summertime and with recreational possibilities or mining, it would be very difficult to maintain that fishery in my opinion, because of the activity. So, I think that's wise to leave it out.

In the case of the North Umpqua River from Soda Springs to Rock Creek, I can say that the Forest Service, the BLM and the county have traditionally managed that corridor and would like to continue to do so.

As a matter of fact, I think in your bill or in the proposal, it does say that the management of that corridor would be very comparable to current management. And it is very comparable to current management. I can assure you that BLM and Forest Service and county still have the intent and have, I think, managed that in a very good manner over the past years. We would like that opportunity to continue.

In another area it suggests in here that the Forest Service would be required to develop a management plan for the designated area. We strongly disagree with that particular statement in that I think it would be far more affective if the BLM were to be able to manage its ownership, Forest Service its ownership and the county its ownership through a mutual agreement of the three. And that I think is important to us and is a way it has been done over the past years.

Thank you.

Senator HATFIELD. Thank you, very much, Commissioner.

Representative Peterson.

## STATEMENT OF HON. NANCY PETERSON, OREGON STATE REPRESENTATIVE

Mrs. PETERSON. Thank you, Senator Hatfield. I'm Nancy Peterson, State Representative from District 52, which is from the California Oregon border, up to and near Crater Lake.

The Upper Rogue is actually within my district and one of the reasons I'm here today.

First of all, Senator Hatfield, I would like to thank you for your effort in sponsoring this bill. I think the Oregon Rivers Council has done some work to get this going and I think you deserve a great deal of credit for turning it into a viable piece of legislation.

I bring today primarily generic comments in support of this particular legislation.

A couple things I would like to comment on is the philosophy behind this bill. I doubt if anyone in the room can oppose this philosophy. It talks about protecting free flowing rivers with outstanding in remarkable values. I'm sure as Congress begins to debate this, that there will be some question about what outstanding and remarkable actually means. But I do applaud you for including that kind of language.

Of the 40 rivers suggested in your bill, I'm familiar with maybe five of them. I also do some rafting on rivers. As I mentioned before, I'm quite encouraged to see the Upper Rogue in there. Pleased that some years ago the Rogue itself, the Lower Rogue was included in the wild and scenic designation and it's definitely time for the Upper Rogue to be included.

I'm also slightly familiar with the Chetco and the North Fork of the Smith River and quite encouraged to see those on your list.

I will refrain from making any comments about the Upper Klamath because I think you have made your position abundantly clear this morning. I would disagree with you some on that but this is neither the time nor the place to discuss it.

I am encouraged to see discussion of management plans whereby the various agencies will be working together, BLM, the Forest Service, and local districts because I think that is what is going to make this legislation work, that the management is definitely coordinated.

I also see within the bill that there is discussion of boundaries of a quarter mile on either side of the rivers included. And that this is not absolute. I recognize there are times when a quarter mile cannot be adhered to but I would like to offer strong support for that particular quarter mile designation.

Also I think it's important in you pointed that out earlier, that, within most cases it does not take away private land. And I think that's important to Oregonians. We are not yet comfortable and willing to have lands removed from private designation. And also the fact that adding forestry practices will continue similarly in nature that they were before the designation.

I too would hope something could be worked out for the Deschutes and the other rivers. You mentioned they will be faced with the private lands problem.

I guess I would like to end by saying maybe praise for the rain we are seeing today that fills those rivers. We've been close to drought situations in southern Oregon and I was encouraged to drive from Ashland in heavy rain this morning.

Also, a comment that we are not interested particularly in giving up private lands for recreation purposes. But I think this bill goes beyond recreation purposes. I think we are not preserving these rivers just so Senator Bradbury and I and others like us can go down them. I think we are preserving these rivers for our children and grandchildren and great grandchildren so they can go view them in their pristine state and I think that is the value of importance of this bill.

So again, I congratulate you and offer my thanks for sponsoring this sort of legislation.

Thank you.

Senator **Hatfield**. Thank you, Mrs. Peterson. Thank you very much ladies and gentlemen, for your contributions this morning.

I'd like to invite Mr. George Proctor, Dr. Gordon Reeves, Mr. John Ward and Mr. Mel Norrick to come forward and constitute panel number two.

All right, you may proceed.

## STATEMENT OF GEORGE PROCTOR, KLAMATH RIVER BASIN COMPACT COMMISSION, KLAMATH FALLS, OR

Mr. **Proctor**. I'm George Proctor, Klamath Falls, Oregon. I'm speaking as an individual this morning and in relation to the Klamath River Compact as it relates to the Upper Klamath Basin, Senator.

I think when you discuss the Upper Klamath Basin, you have to, of course, look at the institutional arrangement. You need to look at the Treaty of 1864 with the Indian tribe.

In 1905 the legislature in the State of Oregon and California ceded to the United States rights in relation to the development of the west, development of the west in relation to the Reclamation Act of 1902.

At that time the United States formed the appropriate notice of appropriation of all the waters of the Upper Klamath Basin. And of course there has been a number of activities that, adjudications, court suits, since that time.

Obviously because of the concern of the people of Oregon so that Oregon water can be used by Oregonians, the Compact was negotiated on the local level. Passed by the states of Oregon and California in 1957 and the Congress of the United States.

Its Compact is self-executing in nature except when the Commission is given discretionary authority. It is multi-purpose and comprehensive in scope addressing utilization, conservation and rights of the water of the Upper Klamath Basin. Being in effect over the last 31 years providing stability and guidance and water related matters in the Upper Klamath Basin of Oregon and California.

As part of the Compact, and the legislative history would indicate, it made certain preferential rights including preferential rights of the consumptive uses over nonconsumptive uses.

I think as you address the Wild and Scenic River Act which is to compliment the national policy of development, development as we look to preserve free flowing streams and other sections of the rivers, you look at the various federal restrictions placed upon these designations, and also the fact that as you look at the Act it also recognizes that it's subject to interstate compacts.

Obviously, the purpose of the designation of Wild and Scenic Rivers as free flowing is to prevent development and diversion so as the natural flows can be maintained. We are not only talking about the, not only talking about the segments involved but we are talking about the segments that are upstream.

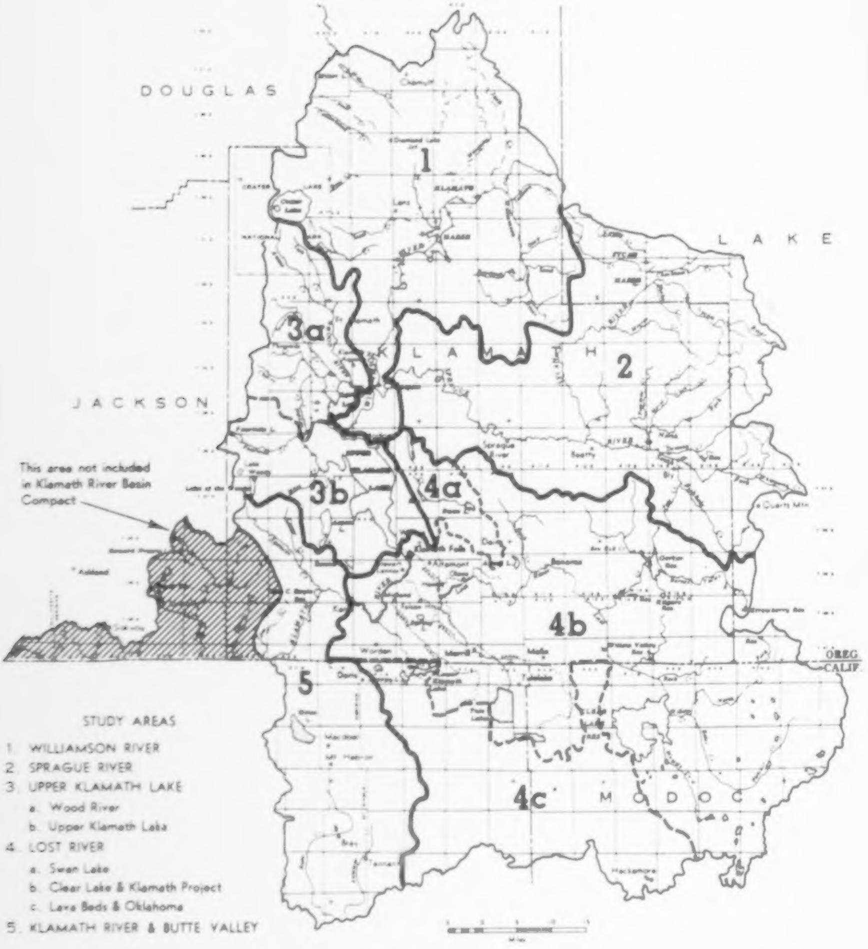
I think the bottom line that we need to discuss, I've set out a number of examples where it's in conflict. But if you analyze it, we are not only talking about considering conflicts of uses but attempt to deny uses that have already been established. And the Congress by consenting to the Klamath River Compact which recognize earlier congressional actions have already designated or pre-empted, you might say, the Upper Klamath Basin River for development and not free flowing and recognizes future and consumptive uses over nonconsumptive uses.

As been pointed out, the rest of the Klamath River outside of the boundaries of the Compact has been addressed as to wild and scenic rivers by Secretary Anders of 1981. And I think my time is up. And the rest of my record speaks for itself, Senator.

Thank you.

[The prepared statement of Mr. Proctor follows, the attachments have been retained in subcommitee files:]

## THE BASIN


DOUGLAS
LAKE
KLAMATH
JACKSON
MODOC
1
2
3a
3b
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4b
4c
5
OREG.
CALIF.
This area not included in Klamath River Basin Compact
STUDY AREAS
1. WILLIAMSON RIVER
2. SPRAGUE RIVER
3. UPPER KLAMATH LAKE
a. Wood River
b. Upper Klamath Lake
4. LOST RIVER
a. Swan Lake
b. Clear Lake & Klamath Project
c. Lava Beds & Oklahoma
5. KLAMATH RIVER & BUTTE VALLEY

*FIGURE 1. Klamath Basin.*

KLAMATH RIVER BASIN COMPACT AREA

The Relationship between the KLAMATH RIVER BASIN COMPACT (1957) and S.2148/Amendments to Wild and Scenic Rivers Act.

I am George H. Proctor, Attorney, 280 Main Street, Klamath Falls, Oregon, appearing as an individual.

Personal Background (Appendix A 22)

Because of my practice in the Klamath Basin in Oregon I have been involved in Federal-State relations in water and natural resource matters during all of my professional life. In addressing S.2148 it is well to examine and address not only the area involved but the institutional relationship that exists in the area.

Area of Discussion

The Upper Klamath Basin in the States of Oregon and California consists of the upper reaches of the Klamath River and its tributaries which headwaters east of the Cascade mountains and cuts its way through the mountains to the Pacific Ocean in California. This area has been considered a part of the California watershed as contrasted with the Columbia River Watershed. The development and utilization of the Klamath River is more pronounced in the upper basin than in the lower reaches. (Appendix A 1-5)

Treaty of 1864 with the Klamath Tribe of Indians

The Klamath Indian Reservation was established in 1864 by treaty with the United States. The former reservation is encompassed in the Upper Klamath Basin. (see Compact map)

Cession Acts of States of Oregon and California and the Enabling Act of Congress 1905.

As part of the development of the West the Legislatures of the States of Oregon and California in 1905 pursuant to the Reclamation Act of 1902 authorized the United States to lower and drain certain lakes of the Upper Klamath Basin, to use the beds in Oregon and California and ceded to the Federal Government the lands that were uncovered. (Appendix A 6)

Notice of Appropriation May 19,1905.

Pursuant to this authorization the United States filed notice of appropriation to all the water of the Upper Klamath Basin. As the result, the water resources of the Upper Klamath Basin has been developed, utilized and regulated. (Appendix A 7 & 8)

Neuner Opinion Nov. 10, 1950 #1583

The Attorney General of Oregon ruled in 1950 that individuals could file for water rights with the State of Oregon for the surplus waters of the Klamath Basin in Oregon.

United States vs. Adair 723F2d 1394 (9th Cir.1983)

In the Federal Courts the legal principal for the determination of Indian Water Rights was established for the Upper Williamson River within the Klamath Basin with the quantification to be accomplished by the State of Oregon.

General Adjudication by the State of Oregon

Presently the Department of Water Resources of the State of Oregon is proceeding with a general adjudication of all of the waters of the Klamath Basin which will integrate the prior 1909 and other rights into the existing permit system.

Local Consensus

Because of the concerns in the Upper Klamath Basin of export of water to other areas which would preclude development and use of the waters in the Upper Klamath Basin a consensus was developed on the local level for a comprehensive interstate compact which was negotiated in 1957 by respective representatives of the States of Oregon, California and the United States. (Appendix A 9-13)

State Consensus

Federal Consensus

Klamath River Basin Compact. (copy attached with map)

The Compact known as the Klamath River Basin Compact which was approved by the legislatures of Oregon, California and the Congress of the United States in 1957 became effective on September 11, 1957.

The Compact is self-executing in nature except when the Commission is given discretionary authority. The Compact is multi-purpose and comprehensive in scope addressing the utilization, conservation and the rights to the water in the Upper Klamath Basin. It has been in effect over the last thirty-one years providing stability and guidance in water related matters in the Upper Klamath Basin of Oregon and California.

## KLAMATH RIVER BASIN COMPACT - Summary

The purposes as stated in Article I of the Compact are:

> "A. To facilitate and promote the orderly, integrated and comprehensive development, use, conservation and control thereof for various purposes, including, among others: the use of water for domestic purposes; the development of lands by irrigation and other means; the protection and enhancement of fish, wildlife and recreational resources; the use of water for industrial purposes and hydroelectric power production; and the use and control of water for navigation and flood prevention.
>
> "B. To further intergovernmental cooperation and comity with respect to these resources and programs for their use and development and to remove causes of present and future controversies by providing (1) for equitable distribution and use of water among the two states and the Federal Government, (2) for preferential rights to the use of water after the effective date of this compact for the anticipated ultimate requirements for domestic and irrigation purposes in the Upper Klamath River Basin in Oregon and California, and (3) for prescribed relationships between beneficial uses of water as a practicable means of accomplishing such distribution and use."

Article II contains definitions to aid in interpretation of Compact language. The most significant are subsections B and G.

Subsection B defines the boundaries of the area included under the Compact as follows:

> "B. 'Upper Klamath River Basin' shall mean the drainage area of the Klamath River and all its tributaries upstream from the boundary between the States of California and Oregon and the closed basins of Butte Valley, Red Rock Valley, Lost River Valley, Swan Lake Valley and Crater Lake, as delineated on the official map of the Upper Klamath River Basin approved on September 6, 1956, by the Commissions negotiating this compact."

Subsection G defines the resource with which the Compact is concerned, to wit:

> "G. 'Water' or 'waters' shall mean waters appearing

> on the surface of the ground in streams, lakes or otherwise, regardless of whether such waters at any time were or will become ground water, but shall not include water extracted from underground sources until after such water is used and becomes surface return flow or waste water."

Article III of the Compact recognizes vested water rights validly established under respective state law as of its effective date. The article then establishes a priority of beneficial use to govern further appropriation of unappropriated waters within the basin. The ranking is quoted below:

"(a) Domestic use,
(b) Irrigation use,
(c) Recreation use, including use for fish and wildlife,
(d) Industrial use,
(e) Generation of hydroelectric power,
(f) Such other uses as are recognized under the laws of the state involved."

Subsection 2 of Article III stipulates there shall be no diversion of water from the Upper Klamath River Basin except for waters originating within the drainage area of Fourmile Lake. All surface return flows and waste waters from diversions within the basin must be returned to the Klamath River above Keno, Oregon. This condition applies to all waters diverted for use in either Oregon or California and was included to minimize potential effects of further development on power generation facilities downstream of Keno.

Subsection C of Article III states that rights acquired after the effective date of the Compact for domestic and irrigation purposes in the Upper Klamath River Basin in either state are superior to any other right acquired after the effective date. Rights for those purposes are superior regardless of their priority in time and may be exercised with respect to inferior rights without compensation. "But such superior rights to use water for use (b) in California shall be limited to the quantity of water necessary to irrigate 100,000 acres of land, and in Oregon shall be limited to the quantity of water necessary to irrigate 200,000 acres of land."

Subsection C also provides for storage of water "as long as the storing of waters.....does not interfere with direct diversion or storage of such waters for use (a) or (b) in the Upper Klamath River Basin."

Article IV requires that each state in planning for and developing their respective areas will "provide for the most efficient use of available power head" in order to reasonably minimize power rates associated with "irrigation and drainage pumping, including pumping from wells."

Article V provides that each state grants to the other the right to construct and operate facilities for measurement, diversion, storage, and conveyance of water in one state for use in the other. The commission has approval authority over the location of these facilities. The article also provides for establishment and operation of permanent gaging stations as required by the commission in regard to the involved interstate water transfers.

Article VI provides the means for one state to acquire property in the other for water diversion purposes. It also stipulates the amount of in lieu taxes to local governments. These amount to "a sum of money equivalent to the average annual amount of taxes assessed against those rights during the 10 years preceding the acquisition."

Pollution control is considered in Article VII. It recognizes the potential harmful effects on the health, welfare, and economic development of the basin. Subsection B assigns the Compact Commission duties and powers to cooperate with the states and United States in promoting effective laws and adopting regulations to abate and control pollution in the basin. The commission also is instructed to intermittently recommend to the affected governments reasonable minimum water quality standards. It is also charged with disseminating information to the public concerning pollution abatement and control.

Subsection C assigns to each state primary responsibility to take action to abate and control interstate pollution and defines the procedure by which an affected state may process a complaint through the commission concerning pollution that originates in the other state. The commission is directed to investigate and recommend corrective action. The commission may hold hearings and issue orders if the recommended actions are not taken by the offender. This subsection also specifies the courts having jurisdiction in the event further enforcement or appeals become necessary.

Article VIII provides that no further diversions except those allowed by the commission may be made from the waters of Jenny Creek and that necessary re-regulation of water shall be accomplished after its use for power generation.

Article IX deals with administration of the Compact. It creates a commission composed of representatives from the State of California, the State of Oregon, and the United States. Oregon's representative is the State Engineer who serves as ex officio representative of the State Water Resources Board of Oregon. Both state representatives have one vote. The representative of the United States serves as the commission chairman and has no vote.

The article requires the commission to employ an executive director and to establish its office containing the commission's "records, files and documents" within the Upper Klamath Basin. The article provides the methods of arbitration in case of disagreement between state representatives. It also sets forth the mechanics of budgeting and fiscal management of commission funds.

The status of Indian rights is provided for in Article X. The Article states that Compact provisions shall not adversely affect present (1957) rights of any individual Indian, tribe, band, or community of Indians to use the waters of the Klamath River Basin for irrigation or deprive them of any rights, privileges, or immunities afforded under Federal treaty, agreement, or statute. The Compact does not amend or alter provisions of the Act of August 13, 1954 (68 Stat. 718)[1]. Lands within the Klamath Reservation are to be accounted for in the 200,000-acre limitation if developed after the effective date of the Compact.

Article XI, the provision regarding Federal rights, states that nothing in the Compact will impair or affect any rights, powers or jurisdictions of Federal agencies to the waters of the Klamath River Basin nor impair those agencies from implementation of the Compact. The article prohibits any adverse effects on the existing areas of Crater Lake National Park or Lava Beds National Monument and adverse effects on water use, as of the effective date (1957), within designated waterfowl management areas. The Compact recognizes obligations under the Migratory Bird Conservation Act (45 Stat. 1222).

[1] Titled: "To provide for the termination of Federal supervision over the property of the Klamath Tribe of Indians located in the State of Oregon and the individual members thereof."

General provisions are contained in Article XII. These provide that all water users in the basin are subject to Compact terms, that either state has recourse to a court of competent jurisdiction to protect its rights, that remaining Compact terms will be effective if one is found unconstitutional by a state or the United States, and that the terms of the Compact are based on the peculiar physical conditions of the basin and are not precedent setting regarding other interstate streams.

Under Article XIII, by ratifying the Compact, Congress agreed that:

1. The United States recognizes and will be bound by Subdivision A of Article III.
2. The United States will not impair any water rights within the Compact boundary by use of waters of the upper basin outside the upper basin or those of any user in the entire Klamath Basin other than domestic or irrigation without just compensation. Uses for (a) domestic and (b) irrigation may not cause an annual depletion greater than 340,000 acre-feet in any calendar year.
3. The United States is subject to limitation on diversions of water from the Jenny Creek Basin.
4. The United States will comply with certain limitations in Article III.
5. The United States must cause return flows from irrigation development in California to enter the Klamath Basin above Keno, except where the Secretary of the Interior finds this would be detrimental to development feasibility. In that case return flows must be returned to the Klamath River above Copco Lake.

Article XIV provides the means by which the Compact may be terminated.

Klamath Basin 1971
State Water Resources Board

The Klamath River Basin Compact recognized the development of the water resources in the Upper Klamath Basin, established priorities and preferences of beneficial use of waters.

The legislative history, as well as the provisions of the Compact itself, make it clear that the purpose of the Compact was to give:

> "...preferential rights to the use of water after the effective date of this compact for the anticipated ultimate requirements for domestic and irrigation purposes in the Upper Klamath River Basin in Oregon and California..." Article I, Sec.B

A joint report by the Oregon and California Klamath River Commissions concluded that:

> "to insure an adequate supply of water for the future consumptive needs of domestic use and agriculture which are expected to develop in the Upper Klamath River Basin it is necessary to take steps to establish a preference of use of such future consumptive requirements over future consumptive requirements." Report by Klamath River Commission of Oregon and California: "Present and Probably Ultimate Utilization of Water Resources and Depletion of Stream Flow within the Klamath River Basin" p 4 (June 8, 1956)

Wild and Scenic
Rivers Act of 1968
(82 stat 906)

The Wild and Scenic Rivers Act authorized to preserve free flowing rivers or parts thereof provided a policy:

(A) That the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free flowing condition.

Restrictions on water resources developments

(B) Various federal restrictions are placed on water resource development and diversions which would invade or unreasonably diminish scenic, recreational, and fish and wildlife values whether in, below or above the designation. (Appendix A 14-16)

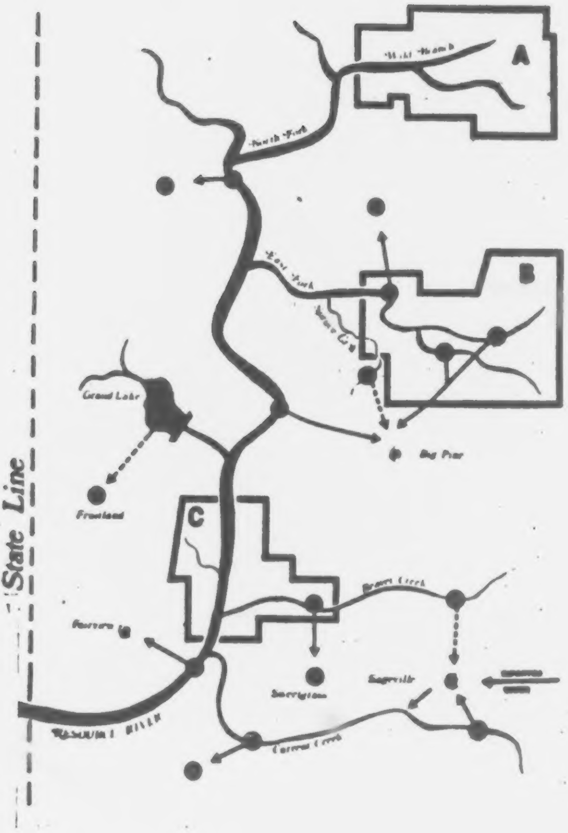
In the Upper Klamath Basin, Federal ownership of land is in excess of 50%.

Subject to interstate compacts

(C) "13(e) Nothing contained in this Act shall be construed to alter, amend, repeal, interpret, modify or be in conflict with any interstate compact made by any state which contain any portion of the National Wild and Scenic River System."

The purpose of the Wild and Scenic Rivers designation as free flowing is to prevent development and deversion so that the natural flows are maintained not only in the segment designated but upstream. The purpose of S.2148 as stated is to prevent development and diversion. (Appendix A 17)

The schematic drawing of a basin may be used to illustrate the impacts in a basin with (a)headwater areas, (b)rural areas, (c)urban areas where there are proposed Forest Service Wilderness areas, Wild and Scenic River designations or Bureau of Land Management Wilderness areas.


A
North Fork
East Fork
B
Grand Lake
State Line
C
MISSOURI RIVER

With the proposed designation of the N. Fork of the Sprague and Sycan Rivers (area A) and Lower Williamson River (area B), all within the former Klamath Indian Reservation, what are the impacts in the segment and upstream? (Appendix A 18 & 18a)

Examples

A few examples of the impacts are:

The Compact provides for irrigation water for an additional 200,000 acres (including former Indian lands) in Oregon and 100,000 acres in California with a preference. (Article III) The proposed designation would prevent utilization and diversion of water to the Indian lands which goes back to a treaty obligation, which is a direct conflict with the Compact.

The Compact provides for the full development of the Klamath Project for utilization of the waters by the United States for the beneficiaries. (Article III (a) The proposed designation is to prevent development and diversion which is in direct conflict with the Compact.

The Compact provides, with the approval of the Commission, storage of water in the other state. (Article V) The designation would prevent storage which is in direct conflict with the Compact.

The Compact allows for the transfer of water rights for conservation and other reasons. Efficient use of waters would be precluded by such designation and which is in direct conflict with the Compact.

The Compact provides for the acquisition of rights to the use of waters. (Article III) The designation of such and the control by the Secretary of Agriculture is in direct conflict with the Compact.

A designation of the Klamath River downstream from Keno (area C) would not only impact the segment but upstream as well to prevent development and diversion - meaning the total Upper Klamath Basin - which is in direct conflict with the Compact.

As can be seen, if it were not for the Klamath River Basin Compact, the proposed designation preventing development and diversion would preclude the beneficial uses of waters in the Upper Klamath Basin in Oregon.

Amendments deny authorized uses

If you analyze the Klamath River Basin Compact with the proposed amendments to the Wild and Scenic Rivers Act you are not only considering conflicts of criteria and uses but attempt to deny authorized uses.

The Congress has by consenting to the Klamath

River Basin Compact, which recognized earlier Congressional action, already designated or preempted you might say the Upper Klamath Basin Rivers for development and not free flowing and recognized future consumptive uses over nonconsumptive uses.

Amendments not compatable

Thus the amendments proposed affecting the Upper Klamath Basin are not compatable with the Klamath River Basin Compact. We should look to other areas outside of the boundary of the Upper Klamath Basin to complement the development policy with Wild and Scenic designation.

Wild and Scenic designation - Lower reaches 1981

We need only to note that this was done in 1981 by Secretary of Interior, Cecil Andrus, when the lower reaches of the Klamath River from the mouth upstream approximately 175 miles in California was designated under the Wild and Scenic Act which is outside the boundary of the Klamath River Basin Compact. The designation stopped upstream at Irongate Dam since the river ceased to be free flowing and in recognition that the Wild and Scenic Rivers was subject to the interstate compact which protected the Upper Klamath Basin. (Appendix A 19)

Lets look at the proposed designation in the Upper Klamath Basin in relation to Federal-State consensus building.

Lack of Wild and Scenic consensus

(1) Local land use plans have not recommended Wild and Scenic designation. Recently the Board of Commissioners of Klamath County, Oregon, adopted a revision to Klamath County's Land Use Plan which identified the hydro resources of the Upper Klamath River to be a significant resource and should be protected from other land uses that would compete or interfere with its development.

(2) Oregon Wild and Scenic designation for the Klamath River was killed in Committee in the 1985 Oregon legislature. (Appendix A 20)

(3) The United States Forest Service did not recommend as its preferred alternative Wild and Scenic designation area but -

(a) Sycan - special management
(b) N. Fork of Sprague - management area
(c) Lower Williamson - riparian management.

Primacy of Klamath River Basins Compact

I strongly recommend that our Congressional delegation and the Congress continue to uphold the law - the Klamath River Basin Compact - and omit any reference to a Wild and Scenic designation in the Upper Klamath Basin in Oregon.

I think you can appreciate why the Klamath Basin Compact Commission adopted a resolution that the primacy of the Klamath River Basin Compact should continue to be asserted in all forums that are necessary. (Appendix A 21)

Respectfully submitted,

George H. Proctor

George H. Proctor

May 25, 1988.

Senator HATFIELD. Could I translate a moment what you have said? Is this a legal brief, Mr. Proctor?

Mr. PROCTOR. Not really. I spent most of my time having to tell the history of the Klamath Basin before we can get to the issue. And I just thought that was one way to accomplish it, Senator.

Senator HATFIELD. I appreciate the history then. Your legal opinion then is that the Compact with the bill would conflict with the Compact if it included the Upper Klamath. Is that what you are saying?

Mr. PROCTOR. What I'm saying is not only in conflict but it's not compatible.

Senator HATFIELD. Translate that into layman's language. Compatibility, I think of in relation to my wife. But what is the legal compatibility? Subject to legal action, to challenge it?

Mr. PROCTOR. As far as I'm concerned, those designations should not be included within your bill, Senator, and we should continue to support the Compact as has been in the practice in the past.

Senator HATFIELD. But if they were included, are you saying there is then a cause for possible litigation to have a court rule on the———

Mr. PROCTOR. There isn't any question that that would occur, Your Honor. Your Honor, we're already in court.

Senator HATFIELD. Well, I just want to get the language translated for my lay mind. All right.

## STATEMENT OF MEL NORRICK, RIVER ADVENTURE FLOAT TRIPS, GRANTS PASS, OR

Mr. NORRICK. Senator Hatfield, it's great to see you again, and have you here in southern Oregon.

You know how important the Rogue River is to many of us here. And also you know my love for rivers, Rogue in particular since this is my home. It's been a—I spent a lot of time here and feel very fortunate that the Rogue was one of the wild and scenic, one of the first seven wild and scenic rivers in the United States. It's recreation is very important here.

After spending three days with you and your wife and friends from Washington last year on the Rogue in the wild section, I know you know my feelings about it.

Senator HATFIELD. That triggered my new interest in getting together a bill.

Mr. NORRICK. Also, up until just recently, politicians from Washington, D.C. never even, other than maybe just stopped here in southern Oregon, get off the airplane and make a short speech, I had the opportunity the other day to spend three hours with Vice President Bush. They came to the Rogue River because it is a fantastic area.

It's a beautiful river. It's protected, it's managed very well. And I think there are rivers in the State of Oregon that also need this same protection. It's knowing what has happened to the Rogue through good management. It has produced tremendous recreation. I just want to give my total support to your bill, Senator Hatfield.

Thank you.

Senator HATFIELD. Thank you. Nice to see you again.

## STATEMENT OF JOHN G. WARD, KLAMATH FALLS, OR

Mr. **Ward**. Senator Hatfield, guess I speak. John Ward from Klamath Falls. I speak as an individual not representing Oregon Institute of Technology nor the Council for Economic Development here in Oregon.

Why, you may not be prepared to include the Klamath in your bill at this time, I believe you should reconsider that. Perhaps your decision was based on some of the information that has been provided and is generally available on representing the economics.

I'd like to specifically talk on the economics in the frame work as basically at a cost benefit analysis, looking at the cost of the lost recreation and bring some of the claimed benefits.

A year ago the Klamath and planning commission asked me to quantify the recreational use value of the Salt Caves reach of the Klamath River. I did that analysis and concluded that in 1986 the river contributed about two and a half million dollars to the economy and of that about 80 percent occurred here in Oregon. So it's not insignificant.

Recent studies, as you may know, in Colorado have extended those strictly recreational use values into other areas of value, specifically protection values, option values, request values.

The protection value is what would it be worth to protect the scenic, the water quality values. That was the largest component.

The option value is what would it be worth to have that river available if at some future point they wanted to take advantage of recreational potential.

Final one is what value would they place on it to pass that heritage along to their descendants. Those three components match up with this recreational use, because they are non-recreational in nature, are four to one. For every $1.00 in direct recreational benefit in Colorado, they concluded there were $4.00 in non-recreational values. That would mean an additional $10 million in potential value in 1986 on the Klamath River.

You compare that to the 10 million claimed by the city of Klamath Falls and I think the imbalance is clear. Particularly when you look to the future. My estimates place the recreational use value only at about $25 million a year potential by 1995. Not insignificant.

When you look again more carefully to the city's claims for three to $10 million in economic development contribution, I think you will find that they're both distant and improbable. It may be 2020 before that project begins making a net contribution and the improbability requires seven to ten cent electricity to pay for it. That seems unlikely in my view.

Thank you.

[The prepared statement of Mr. Ward follows:]

The Honorable Mark O. Hatfield
United States Senate
Washington, D.C. 20510

June 1, 1988

Dear Senator Hatfield:

By developing S. 2148 as a discussion document and including review of the Klamath River for possible designation as a National Wild and Scenic River, you show creative and open concern for values dear to Oregonians. My comments are offered as an individual rather than as a representative for Oregon Institute of Technology or for the Council for Economic Development in Oregon.

My involvement with the Salt Caves project came when the Klamath County Planning Commission asked me to provide an economic analysis of the river segment during their April, 1987 land use hearings (Exhibit 1). The Klamath Falls City Council asked that my questions on the financial viability of the Salt Caves project be in writing for a July, 1987 Special Meeting (Exhibit 2). When no response was provided I made a careful estimate of project net revenues and reviewed it with several sources.

My re-analysis indicates the Salt Caves project promises are still highly improbable. City claims of $3 to 10 million net revenues to fund economic development have remained the same despite major project revisions which included downsizing and water releases for rafting. Meanwhile construction costs increased 30 percent and the market for power deteriorated.

Even at optimistic power purchase rates and a 0 percent discount rate, costs appear to exceed revenues until the year 2006. An additional ten to fifteen years would be needed to repay losses in the initial years.

The present economic benefits of river recreation use have been limited by poor and deteriorating access and signage, unreliable water condition reporting and uncertain development potential. Despite these factors the river use has grown significantly. My studies found:

- o Recreation Use Values are greatly under-reported
- o Recreational Economic Impact was over $2.5 million in 1986
- o By 1995 Recreational Impact could exceed $25 million
- o Designation as a Wild and Scenic River would raise usage

The national attention focused on the Klamath River gives an opportunity for major planned increase in recreational use at a controllable rate in the Bureau of Land Management Resource Management Plan now being developed. Designation would protect the benefits for present and future generations.

Sincerely yours,

John G. Ward

John G. Ward
129 Southshore Lane
Klamath Falls, Oregon

# PUBLIC POLICY QUESTIONS AND ISSUES
for
CITY OF KLAMATH FALLS SPECIAL CITY COUNCIL MEETING
July 27, 1987

1. What is Council's estimate for Salt Caves gross revenue year-by-year for the 50 year duration of the FERC license, and how was it computed? The FERC application used 8.6 cents per kilowatt-hour for revenue but Pacific Power and Light recently offered to buy power at 2 cents.

2. Can Council estimate the year-by-year property tax reduction to city taxpayers from Salt Caves gross revenues during the 50 year FERC license period?

3. What is Council's Annual Project Cost estimate (including direct project operation and maintenance, taxes, depreciation on project equipment, debt service, and deposits to any reserve or sinking fund) mentioned in their Feb 16, 1984 agreement with Trendwest, Section 2(b) for the 50 year duration of the FERC license?

4. How much money will (a) the City of Klamath Falls and (b) Trendwest Development Company receive each year during the 50 year duration of the FERC license from Net Revenue, or Adjusted Net Revenue once the revenue bonds are repaid?

5. Which two local banks are holding the $500,000,000 Escrow Account for Salt Caves Revenue Bonds, and how much is on deposit at each?

6. How much of the Revenue Bond Escrow is needed to construct Salt Caves (hydroelectric production plant, transmission plant, indirect and distributable costs, and contingency costs)? Is this Council's first item of priority for revenue bond expenditures?

7. Forest Service policy prohibits municipal development of recreational areas in National Forests. What is Council's proposed action?

8. Would Council oppose a private developer of Pelican Butte to retain the site for potential mitigation?

9. Can Council legally spend Revenue Bond Escrow money on Pelican Butte development if skiing is disallowed as mitigation for loss of white-water rafting?

10. Current estimates for Pelican Butte investment ($9.2 million) do not describe what developments are included. What is the current plan, how many downhill skier-days are forecast, and can a private developer show a reasonable profit? If the project loses money, who will cover the loss? What priority does the Council put on Pelican Butte?

11. An investment of $750,000 in Sportsman Park has been proposed from the Revenue Bond Escrow. Who legally owns Sportsman Park? What would the money be used for, and who would own the improvements? What priority does the Council put on this?

12. Does Council expect any other expenditures from the Revenue Bond Escrow account? What happens to unused funds in this account?

13. Salt Caves appears to lose money for at least the first seven years since power rates are less than power costs (see Salt Caves revenue estimates in revised FERC application). Funding of Bootstrap could be delayed until 2004. Has Council analyzed actual cash flow available?

14. Four different funding levels have been mentioned for Operation Bootstrap - "... $1-2 million annual income from the Salt Caves Project until total capital reaches $25 million", "... rate of $1-2 million per year for at least seven years", "plan is $25 million maximum at a rate of $2-3 million per year", "... would receive about $2 million per year for ten years". Has Council said Bootstrap will have first priority on any Net Revenues from Salt Caves? If so, when was that action taken? What is the correct dollar amount committed?

15. Which parts of the Klamath Regional Bootstrap Development Corporation Blueprint are still included, and what funding amounts and priorities are proposed by the Council?

| | |
|---|---|
| 5% | Computer Investor Network |
| 10% | Oregon Institute of Technology Incubator |
| 15% | Applied Research Grants Fund |
| 20% | Seed Capital Investment Fund |
| 25% | Enterprise Restructuring Age Fund |
| 25% | Enterprise Expansion Capital Fund |

17. Only "Klamath" headquartered firms are eligible for Bootstrap funds. Does this mean Klamath Falls, or Klamath County? Are firms headquartered here but incorporated in other states eligible? Would federally funded enterprises such as the Klamath Tribe be eligible?

18. The Bureau of Reclamation Appraisal Report on Offstream Storage said high seepage rates, presence of active faults, and construction cost of $490 to 825 million made offstream storage unfeasible. What is Council´s position on using Salt Caves revenues for offstream storage?

19. Does the Council have any other proposed uses for Salt Caves revenues? Earlier plans included "... enhanced city services and other community improvement projects".

20. Even the most vigorous supporters privately admit chances of building Salt Caves are 50:50, and that operation is six to ten years away at best. What steps is Council taking, aside from the Enterprise Zone, to provide City economic vitalization during the next six to ten years? What contingency planning is occurring in the event construction is denied?

21. Referral of the Salt Caves project to city voters for endorsement or abandonment has been requested many times. City residents see an enormous commitment of time, energy and personnel to this project but they have never been asked whether this is what they want. Does Council plan to ignore these requests?

22. Does the use of tax-free municipal bonds for arbitrage funding guarantee that Salt Caves power costs can be based on tax-exempt financing (10.5% interest) rather than taxable financing (14%)?

John G. Ward
129 Southshore Lane
Klamath Falls, Oregon

# ECONOMIC ASSESSMENT
# OF THE KLAMATH AS A
# WILD AND SCENIC RIVER

## OVERVIEW

Recreational use and economic impact of the Salt Caves segment of the Klamath River have been consistently understated. This study found there were 3,726 rafting user-days in 1986 on the Salt Caves segment of the Klamath River, a total nearly double the 2,000 often mentioned. Also, fishing use appears 50% higher than has been reported. This higher usage significantly affects economic impact.

## DOLLAR IMPACT

Dollar impact is a combination of direct expenditures for travel, food, lodging, guide fees, equipment, etc., and the indirect ripple effect of these on other economic sectors. Using the same estimation technique used to prepare final economic impact statements for five California rivers under National Wild and Scenic Review, the 1986 recreational economic impact of the Salt Caves segment of the Klamath River was found to be over $2,573,000.

Studies to forecast future economic impact are now underway, but preliminary data suggest the 1995 economic impact of destination rafting on the Salt Caves segment of the Klamath River will exceed $23,000,000; other non-consumptive uses will add $3,000,000 for a total recreational impact of $26,000,000.

## JOBS IMPACT

The jobs impact of the river is already significant. The Salt Caves river segment now supports 98 jobs through direct and indirect effects, half of them in Oregon. Another 300 jobs are partially supported when other Oregon and California rafting firms use the river. If the dollar impact develops in line with preliminary forcasts, by 1995 the jobs base supported by the river will be in the 1,000 to 1,100 range.

********************************

John G. Ward
129 Southshore Lane
Klamath Falls, OR 97601

April 20, 1987

# ECONOMIC ASSESSMENT OF THE KLAMATH AS A WILD AND SCENIC RIVER

## SUMMARY

Recreational use and economic impact of the Salt Caves segment of the Klamath River have been consistently understated. Various citizens and the local press have suggested about 2,000 people use this segment each year for rafting and an equal number for fishing. Representatives of Resource Management Inc. and various public officials and citizens have estimated annual revenues from the Salt Caves segment of the Klamath River at "less than $400,000" to "$500,000 per year". In the interest of building a broader discussion base, the following preliminary economic assessment of the Klamath River canyon has been developed. Background data and estimates are developed for rafting, fishing, and hunting. It is hoped this analysis will help support a more relevant Economic, Social, Environmental, and Energy consequences statement in the Klamath County Comprehensive Plan.

Results of the economic assessment for 1986 are summarized below. River use is nearly double the reported levels, and the economic impact of the Salt Caves segment of the Klamath River is over $2.5 million annually. The river now supports 98 jobs through direct, indirect and induced effects, half of them in Oregon. Another 300 jobs are partially supported when Oregon and California rafting firms use the river.

1986 Economic Impact of a
Wild and Scenic Klamath River

| Recreational Activity | Economic Impact |
|---|---|
| Commercial white water | $ 1,930,680 |
| Private white water | 81,700 |
| White water guide schools | 142,150 |
| Trophy trout fishing | 361,780 |
| Big and small game hunting | 57,000 |
| TOTAL | $ 2,573,310 |

## WHITE WATER RECREATION

Nationally, white water recreation with rigid and inflatable boats, canoes, kayaks, and rafts has become a major sport with over 1,000,000 participants. Several thousand commercial outfitting firms provide ready access to high challenge, high thrill adventure typically in a rugged or wilderness setting that seems to appeal to urban residents. Participants quickly graduate from Class I and II, to the more difficult Class III water. Rafting demand at this difficulty level has simply exploded since 1982. The fourteen white water rivers in California, including the Klamath, now receive about 500,000 user-days each year.

Oregon has also experienced rapid white water growth to over 200,000 user days annually. The Deschutes River alone provides 120,000 user-days on the many stretches below Pelton Dam, and the Rogue River supports nearly 50,000 user-days below Savage Rapids Dam. The table below summarizes Deschutes River user-days estimated from the number of day and annual "passes" sold for river trips. No passes were required prior to 1982.

Deschutes River User-Days
Source: Oregon Parks and Recreation Division

| | |
|---|---|
| 1982 | 89,335 |
| 1983 | 95,457 |
| 1984 | 103,408 |
| 1985 | 111,101 |
| 1986 | 117,002 |

The Rogue River, a federal Wild and Scenic River since 1968, provides private and commercial access to Class II and III white water. The Bureau of Land Management (BLM) manages the Rogue through a mix of private and commercial permits to control river use in the Memorial Day to Labor Day permit season. The Rogue was closed to "new" outfitters in 1974 when the last of 120 commercial outfitter permits was issued. These $25 permits are now very valuable, reportedly worth up to $100,000 for a large party permit with multiple start dates. The most recent sale price for a small party, minimum start permit apparently was $20,000. Private individuals participate in a lottery for river access. In 1985, 4,610 individuals were in the pool for 573 private permits. The permit system has capped river use in the busy season for nearly 15 years and has increased need for other Southern Oregon white water access in prime summer months.

The foregoing clarifies why the Klamath is a valuable white water resource. Thousands of white water participants in the west are ready to "trade-up" to Class IV and V white water which is exactly what the Upper Klamath offers. Only the Tuolomne, if the Sierras have sufficient snow, and the Klamath offer class IV and V white water after mid-June on the West Coast. This year, only the Klamath will have water. Dependable year-round white water makes the Klamath unique on the West Coast.

Since 1982, the BLM has annually issued 28 to 34 permits for commercial rafting on the Salt Caves section of the Klamath. Currently 31 permits have been issued for 1987. Twelve firms make the Klamath their headquarters river, including 4 Oregon firms and 8 firms from California who collectively employ about 140 employees. Firms average one and one-half to two employees per boat and might, for example, have a staff of four or five guides, three drivers, one or two tour packagers, an office worker, one food packer and a warehouseman who also does equipment maintenance and repair. Another twenty firms with perhaps 300 total employees will use the Klamath off and on during the season. For comparison, the average rafting outfitter in California employs 21.7 people. Key success factors include advance booking, tour packaging, and a high percentage of repeat clients. Klamath outfitters say returning customers are in the 75% range, somewhat higher than the 52% reported for California. An analysis of the place of residence for about 1,200 Salt Caves white water clients from 1982 to 1986, a total of 296 parties ranging from one to twenty persons with an average group size of four persons, is as follows for one of the largest Klamath River outfitters:

Client Place of Residence
All Clients, 1982-1986

Source: Large Klamath River Outfitter
headquartered in Ashland, OR

| | | | |
|---|---|---|---|
| Oregon Residents.................... | | | 43% |
| Klamath County | 19% | | |
| Deschutes County | 2% | | |
| Other eastern Oregon | 1% | 22% | |
| Multnomah County | 9% | | |
| Jackson/Josephine | 6% | | |
| Marion County | 3% | | |
| Lane County | 2% | | |
| Other western Oregon | 1% | 21% | |
| California Residents................ | | | 37% |
| Other states....................... | | | 20% |
| | | | 100% |

Tourist expenditure patterns vary if the person is a local, transit, or destination guest. The outfitter mentioned above analyzed these same 296 white water parties and found 20% arrived by car from a residence in Klamath county or the Rogue Valley and returned home at the end of the trip, 7% of the individuals were in transit and were passing through Ashland on their way to another destination, and fully 73% were destination clients whose primary reason for being there was to join the raft trip. These destination clients were judged to be up-scale higher income consumers, generally with responsible jobs or in the professions. Apparently such clients usually spend at least two nights in the immediate rafting vicinity; California white water rafting groups average 2.8 days stay per trip. California also report two-thirds of the private white water participants want to camp in the vicinity of their trip.

By way of background, tourism in Klamath County in 1985 brought in expenditures of about $56,100,000, and generated 1,383 jobs with a payroll of $11,500,000. The Jackson County total would be nearly three times larger. User-days at Klamath visitor attractions last year were in the following ranges:

Klamath County User-Days
Estimated for 1986

| | | |
|---|---|---|
| Crater Lake National Park | | 500,000 |
| Winema National Forest (12 campgrounds) | | 258,610 |
| Collier State Park | (day use) | 214,000 |
| | (overnight use) | 27,000 |
| Kimball State Park | (day use) | 26,000 |
| | (overnight use) | 1,100 |
| Topsy Picnic area | (day use) | 15,000 |

Data on user-days and the economic impact of rafting on the lower Klamath River is available in a 1984 input-output study of white water recreation in California. The table below summarizes the Klamath River data in California below Iron Gate Dam for the 1983 year. The river segment begins at Interstate 5 and continues to Somes Bar, and includes water in Classes I to IV.

1984 Klamath River Rafting - California
Source: Economic Impacts and Benefits of Whitewater Recreation in California

| | | | |
|---|---|---|---|
| User-days | - private | 7,112 | |
| | - commercial | 9,746 | 16,858 |
| Economic Impact | - private | $ 1,815,600 | |
| | - commercial | 2,680,750 | $4,496,350 |
| Direct Jobs | - private | 31 | |
| | - commercial | 46 | 77 |

A similar input-output approach has been attempted to estimate economic impact of white water rafting on the upper Klamath. The principal differences are that this estimate is site-specific to a destination river and involves a Class IV to V segment requiring professional skill and equipment beyond what most private rafters now have. The BLM uses a permit system to manage the Klamath similar to the one used successfully on the Rogue River. Their recreational use data for the Salt Caves segment based on purchases of user-day permits is shown on the following page. Since the put-in point is very remote from the BLM-Medford office there may be an undercount from actual river usage.

Klamath River Recreational Use
100-day Memorial Day to Labor Day Season
Source: Bureau of Land Management-Medford

| | User Head-count | User-day |
|---|---|---|
| 1980 | no data collected | no data collected |
| 1981 | 2703 | no data collected |
| 1982 | 1739 | 2623 |
| 1983 | 1294 | 2132 |
| 1984 | 1475 | 2144 |
| 1985 | 1504 | 2072 |
| 1986 | 1961 (210 private) | 3726 (242 private) |

Klamath River daily expenditure patterns for destination, transit, and local rafters in 1986 were developed in the following manner. The average 1986 outfitter fee for the upper Klamath was combined with my estimate for Klamath River rafter daily expenditures adjusted for inflation. An amount for miscellaneous equipment and supplies was added for persons away from their residence on the rafting day. The resulting estimates are as follows:

Estimated 1986 Commercial and Private
Klamath River White Water
Daily Expenditures
per User Day

| | Commercial | | | Private |
|---|---|---|---|---|
| | Destination | Transit | Local | |
| Outfitter fee | $ 89.25 | $ 84.25 | $ 84.25 | |
| Equipment | 11.75 | 11.75 | | $ 8.50 |
| Food/lodging/travel (O/N) | 107.70 | 77.70 | | 108.70 |
| (day visitor) | | | 55.30 | |
| TOTAL | $208.70 | $ 173.70 | $139.55 | $117.20 |

These user-day expenditures for food/lodging/travel may be comparable to daily convention visitor expenditures of $ 110.00 and are similar to private white water recreational expenditures reported for California during 1983. The user-day estimates should be regarded as preliminary, however, since they are different from and higher than most reported camper/tourist per-day expenditures, and are not based on direct user data.

The economic impact of white water rafting on the proposed wild and scenic Upper Klamath River segment during 1986 can be assessed using the foregoing information. By combining the BLM user-day data with estimated daily expenditures by destination, transit, and local commercial rafting clients and private rafters, and adding expenditures associated with the white water guide schools and river rescue training school, an estimate for total direct expenditures can be developed. These methods give direct expenditure estimates which are summarized in the table on the next page.

Input-output analysis is a widely accepted method for assessing the secondary economic effects as direct expenditures ripple through an economy. Basically input-output analysis estimates how an increase in one industry's output--in our case, Amusement and Recreation Services--secondarily impacts other industries. In the California input-output model, the direct, indirect, and induced changes in 155 other industries have been estimated and summarized in two coefficients, one for income and one for labor. When adjusted for inflation, the 1976 Amusement and Recreation Services coefficient of $1.51, is $2.88 in 1986 dollars. This means that for every dollar expended on amusement and recreation, $2.88 in direct, indirect and induced impacts are produced. The labor coefficient is similar but provides an estimate for job formation. When adjusted for inflation the labor coefficient indicates 39 jobs are generated annually for every $1,000,000 spent in the amusement and recreation sector.

1986 Economic Impact of White Water Recreation
on the Salt Caves Segment of the Klamath River

| 93% COMMERCIAL | User-days | Daily Expenditures | Direct Expenditures | Economic Impact |
|---|---|---|---|---|
| 73% Destination | 2543 | $ 208.70 | $ 530,725 | $ 1,528,490 |
| 7% Transit | 244 | 173.70 | 42,385 | 122,070 |
| 20% Local (day) | 687 | 139.55 | 97,265 | 280,120 |
| 7% PRIVATE | 242 | 117.21 | 28,365 | 81,700 |
| WHITE WATER GUIDE SCHOOLS | | | | |
| Begin/Intermed/Advanced | | | 41,325 | 119,000 |
| River Rescue School | | | 8,040 | 23,150 |
| | | | TOTAL | $ 2,154,530 |

This analysis indicates the economic impact of Klamath River white water rafting was over $2.1 million in 1986. The jobs multiplier developed by the input-output model suggests a total of 84 jobs were generated that year by white water recreation on the Salt Caves segment of the Klamath River.

## TROPHY TROUT FISHING

Recent data has clarified fishing usage is now about 3000 fisherman-days per year on the Salt Caves segment of the Klamath River due to opening a summer catch and release program. The National Park Service has described this reach as an "excellent wild trout fishery" in their Nationwide River Inventory.

Knowledgable fishermen and professional biologists have elsewhere described this as "the most productive water in Oregon", and as a "blue-ribbon trophy trout" resource similar to world renowned catch and release water in Montana and Wyoming. The economic value of trophy fishing there is clear: out-of-state destination fishermen in Montana comprise 36.8% of the fishermen and only 19.3% of the fisherman-days but they contribute 45.8% of the fishing expenditures. In Wyoming 60.9% of the fishermen live out-of-state and are only 31.0% of the fisherman-days but they spend 62% of the money. Fishing, particularly trophy fishing, clearly has economic value.

The input-output approach has been used to estimate the economic impact of trophy trout fishing on the Klamath River. By combining estimates for the number of resident and out-of-state fishermen with estimates for daily expenditures, an estimate can be developed.

The main data source used is the 1980 National Survey of Fishing, Hunting and Wildlife-Associated Recreation for Oregon prepared by the Fish and Wildlife Service, and Bureau of Census. Oregon provided 14,162,000 days of fishing in 1980, of which out-of-state fishermen comprised 8%. It is worth noting that most of these out-of state fishermen--73%--say that without the fishing they would not have come to Oregon. This situation is very important to Wildlife Management Region 5, principally Klamath, Lake and Deschutes counties, because out-of-state fishermen use 27% of the fisherman-days. I have used the 27% figure to prorate fishing days on the Klamath River.

The 1980 National Survey included no expenditure data on trophy trout fishing, but does present detailed data averaged across all types of freshwater fishing by resident status. Using this data adjusted for inflation, with an assumption that one-fourth of the fishing is drift boat-access and the balance bank access, and the further assumption that half of the out-of-state fishermen are motel or lodge guests and the remainder are campers, the following estimate was prepared:

Estimated 1986 Klamath River Fisherman
Daily Expenditures
per Fisherman-day

| | Out-of-State | Oregon Resident |
|---|---|---|
| Food/lodging/travel | $ 53.97 | $ 11.85 |
| Rental & Privilege fees | 14.10 | 3.70 |
| License fee | 1.85 | .95 |
| Equipment | 6.73 | 12.50 |
| TOTAL | $ 76.65 | $ 29.00 |

The economic impact of fishing on the Salt Caves segment of the Klamath River can be estimated using the foregoing information. Basically, the approach involves estimating the fisherman-days for Oregon and out-of state fishermen, and combining the usage estimate with daily expenditure data. This provides an estimate for the direct economic impact of the fishing resource. Secondary effects in the economy are included by using the inflation adjusted Recreation and Amusement Coefficient of $2.88 per dollar of direct fishing expenditure as with white water recreation. The interpretation is the same; every dollar expended on fishing ripples through all other industry sectors for a total economic impact of $2.88. The jobs multiplier also remains the same at 39 jobs supported per million dollars of economic impact. The data are summarized below.

1986 Economic Impact of Recreational Fishing on the Salt Caves Segment of the Klamath River

| | Fisherman-days | Daily Expenditures | Direct Expenditures | Economic Impact |
|---|---|---|---|---|
| 73% Oregon Residents | 2190 | $ 29.00 | $ 63,510 | 182,900 |
| 27% Out-of-State Residents | 810 | 76.65 | 62,090 | 178,820 |
| | | | TOTAL | $ 361,720 |

This analysis indicates fishing is a significant economic consequence of the present land use designation for the Klamath River canyon, with an economic impact of about $360,000 in 1986. Oregon residents, presumably most from Klamath County, and out-of-state visitors contribute about equally to this result. Their expenditures provide support for 14 jobs.

## HUNTING

Available data and testimony indicate the Klamath River Canyon supports deer, wild turkey, squirrel, quail and other game animals attractive to hunters. Apparently about 500 hunter-days of activity occur annually. Although the 1980 National Survey of Fishing, Hunting and Wildlife Associated Recreation for Oregon includes much data on hunting participation and expenditures, the sample size was too small to give reliable data for Wildlife Region 5. Site specific estimates for the Salt Caves area can not be developed from this data.

Data on state-wide average daily hunting expenditures is available and would cover a mix of large game, small game and other hunting perhaps similar to wildlife in Klamath Canyon. The 1980 food, lodging and travel amount ($12 per day) and the equipment amount ($18 per day) suggest total direct hunting expenditures associated with the canyon would total $19,800 in 1986 dollars. Using the same Amusement and Recreation coefficient used earlier of $2.88 per direct dollar, the economic impact of hunting in the Klamath River Canyon area would be about $57,000 annually.

****************************

John G. Ward is Professor of Industrial Management at Oregon Institute of Technology. Former administrative assignments included Chairman, Division of Business Technologies; Director, Small Business Development Center for Klamath-Lake County; Director, Small Business Institute; and Dean of Academic Affairs. Mr. Ward is a member of the Board of Directors, Council for Economic Development in Oregon (CEDO).

Senator HATFIELD. Thank you, Mr. Ward. As for your economic analysis, I would have no way to challenge it but it does provide us with a good record.

I would just ask you one question. Could you guarantee that if I included the Upper Klamath we wouldn't end up in court when you have heard the testimony of your neighbor, who is probably recognized as one of the West's outstanding water attorneys?

Mr. WARD. It's always awkward to challenge your neighbor. But on the other hand, I think you included the possibility the Williamson and the Sycan, which are tributaries as well. So you have already compromised that position.

Senator HATFIELD. Perhaps so, although my lawyers in Washington tell me the same thing that he's told me today. And I'm a free elected official. By the same token, like you, we are surrounded by lawyers and our decisions are highly circumvented or circumscribed by the counsel of legal authority. I feel sometimes that the lawyers are really the ones running this country.

You guarantee me we wouldn't get out into a court action on this bill. You know, I may take a little different perspective on the Upper Klamath. However, I can tell you right now, I'm not going to risk the bill of 40 rivers to include one that carries with it so much baggage and potential controversy in court. And with every indication, including practically a statement today that we'll end up in court again if it is put in, I just don't want to threaten the rest of the bill. That's my only purpose in not including it.

But anyway, I appreciate your testimony.

Mr. WARD. Thank you.

Senator HATFIELD. Now, I would like to invite Mr. Rick George, Mrs. Gwen Adams, Mr. Romain Cooper, Mr. John Houtrouw, Mr. Paul Knobel and Ms. Peggy Bloom.

You may proceed.

## STATEMENT OF RICK GEORGE, OREGON RIVERS COUNCIL, LA GRANDE, OR

Mr. GEORGE. Good morning, Senator. My name is Rick George. I'm director of the Oregon Rivers Council. I'm from La Grande.

Senator HATFIELD. I want to thank you again for the extraordinary help that the Rivers Council was in putting this bill together.

Mr. GEORGE. Thank you, Senator, we've enjoined the process so far. We do realize that you have done majority of the work, however, thank you very much.

Senator, the Oregon Rivers Council is committed to forging new testimony in river management. We are here today to help create a balance, a balance that has as of yet not existed. You have heard and will continue to hear that the Forest Service has erred in its projections of the impact of the timber harvest from designations of these 40 rivers. We think that point in fact overlooks the most important point surrounding this entire issue. And that point is river protection. Planning for our rivers.

We are confident the final analysis will not be much different regarding the impact of the timber industry. Critical point is certainly being overlooked. The question we must answer is can we justify a tenth of a percentage point or two of impact to the timber base to protect our river heritage?

Senator, in order to answer that question, we have to look at the rivers. We have to go to each river.

For instance, the North Fork of the Smith and the Chetco Rivers, which combine to produce over 26,000 wild salmon and steelhead every year, and account for over 130,000 pounds of commercially caught fish annually.

The Elk River, a critical addition to this bill produces over 150,000 wild salmon steelhead smolts with 95 percent of those smolts residing on Forest Service sections of the Elk River. Even though 50 percent of its habitat has been destroyed, the McKenzie River produces over 3,000 adult salmon and steelhead every year.

On the Mt. Hood forest, the Clackamas River accounts for over 50 percent of the anadromous fish habitat of the entire forest.

John Day River system produces the largest wild and salmon steelhead runs in the entire Columbia River Basin above Bonneville Dam.

On the Grande Ronde River we've spent over $30 million to bring back salmon and steelhead to this once productive river.

Senator, we believe timber industry should be supporters of S. 2148. We believe the impacts to water quality and to our fisheries that we've seen in the past 50 years, 60 years has been bad. We believe it affects every Oregonian.

Senator Hatfield, you have taken the historic first step toward management of rivers state wide. Management of river segments where that's all that remains. And management of wild scenic river management of river systems where that's still possible.

Senator, when we are asking the question of can we justify impacting the timber industry, impacting our allowable cut, a couple of tenths of a percentage point, we have to say can we afford to protect these fisheries that rank as some of the best in the nation. Some of the most revered rivers in the state of Oregon.

[The prepared statement of Mr. George follows:]

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OREGON RIVERS COUNCIL

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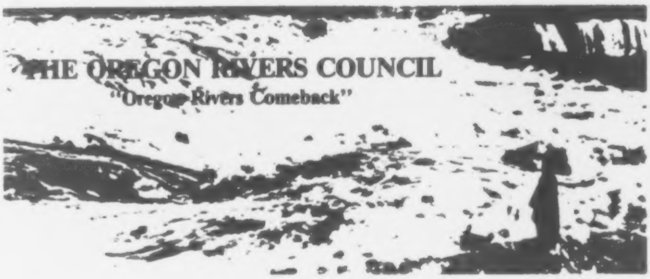

**SENATE ENERGY AND NATURAL RESOURCES COMMITTEE**
**Subcommittee: Public Lands, National Parks and Forests**
**Sen. Mark Hatfield**

Senate Field Hearing On S.2148
City Hall
Grants Pass, Oregon

June 1, 1988

The Oregon Rivers Council wishes to go on record in support of S.2148, the Oregon Omnibus Wild and Scenic Rivers Bill. ORC is dedicated to forging one of the most needed natural resource management and planning processes. river system or watershed planning. Oregon's rivers are managed by about 12 different Federal and State agencies with little to no interagency cooperation. Rivers, our most basic and vital resource, are managed piecemeal. With not even a shadow of recognition that a river is, from headwaters to mouth, a system. ORC is firmly committed to beginning river system management using a Federal Law that has been on the books since 1968. The Wild and Scenic Rivers Act gives Oregon the precedent-setting opportunity of river system management. ORC is grateful to Sen. Hatfield for utilizing this tool to protect Oregon's rivers, water users, and fish and wildlife.

**FISHERIES**

Wild salmon, steelhead, and resident trout have been a major component of Oregon's bread and butter for many years. For thousands of years they provided subsistence and cultural identity to some of the worlds most interesting and unique races of people. To a much lesser degree fish continue to do so. When the Pacific Northwest was settled salmon and steelhead fed many a needy traveler. Fortunes were made as fishwheels scooped salmon by the thousands and sent them to the canneries. During World War II catches of anadromous fish were prioritized for consumption as part of the war effort. We have decimated these fish runs in a little over a half century. Regionally, dams and pollution have caused the total extinction of over 100 stocks of fish in the Columbia River Basin. About 85% of the fish that used to swim through this world-class fishery are gone. Last year, the entire Snake River race of coho salmon was declared extinct. Currently from 15 to 30% of salmon and steelhead smolts are killed at each Columbia and Snake River Dam. Sen. Hatfield, the $3.7 million you personally steered

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through appropriations, that would have stemmed these mortalities have themselves been dammed by the Corps of Engineers. Outside the Columbia Basin, many coastal rivers are almost entirely reliant upon hatchery production.

At the same time we, residents of Oregon, have made a commitment to restore salmon and steelhead. This investment in the Columbia River Basin may reach $1 billion. In the Grande Ronde River basin, electric ratepayers have contributed over $30 million to construction of hatcheries, and to put back together habitat wiped out by logging, roading, grazing, and mining.

With this financial commitment one would assume that the impacts that caused this plethora of destruction would be closely regulated. To justify spending so much money we should be protecting habitat needed for spawning, and additional dams should be kept off of our salmon and steelhead rivers. Not so. On the Mt. Hood National Forest alone over 50 hydroelectric projects are on the drawing boards. A hydro project per river mile was the proposal for the upper Deschutes a couple of years ago. Two dams were proposed by Boise Cascade Corp. for the Wallowa and Grande Ronde Rivers, spawning grounds located above eight existing Columbia and Snake River dams. Current forest plans predict further degradation of water quality from logging and road building. Nonpoint pollution, a subtle killer that is hard to track and correct, has taken the lead as Oregon's most severe pollution problem. While we spend millions to produce more fish we continue to subsidize destruction of habitat. Rebuilding the runs is a monumental challenge. Without foresight, an insurance policy of sorts, this investment to bring back salmon and steelhead and wild trout will be wasted.

Sen. Hatfield, S.2148 is a crucial link in this insurance policy. In this bill are some of Oregon's most revered, most awe-inspiring fishing streams and rivers. On the south coast, where commercial fishing is one of the most important industries, the North Fork Smith and Chetco Rivers produce over 18,000 wild chinook salmon and nearly 8,000 wild steelhead. These two rivers produced about 130,000 lbs. of commercially and sport caught salmonids. The Siskiyou Forest attributes their recognition as the highest wild salmonid producer in all of Oregon and Washington to the lack of dams. The Rogue and Umpqua Rivers produce over 600,000 salmon and steelhead, many of them native fish. Further north the Alsea River produced the third highest catch of steelhead in Oregon in 1987, and in combination with the Nestucca River accounts for almost 200,000 lbs. of commercially and sport fishery-caught salmonids each year.

Willamette River tributaries are famous for their fisheries. The McKenzie River produces over 3,000 spawning adult salmon and steelhead, even though 55% of its habitat has been lost to dams. Quartzville Creek produces 300 salmon and steelhead and has also donated habitat to reservoirs. In the Mt. Hood National Forest, one river in S.2148 supplies about 50% of the Forest's total anadromous fish habitat; the Clackamas River. In the cold, clear waters of the Clackamas the last wild run of coho salmon in the lower Columbia River Basin swing tenuously in the balance for existence. In one tributary of the Clackamas about 25% of the habitat has been blocked by road building and stream alterations, summer temperatures have increased by 10 degrees F, and there has been a decrease of 90% in instream woody material. The Salmon River is managed as a wild trout fishery, and it supports runs of steelhead, coho and chinook salmon. The best fishery in the Sandy River drainage, wild anadromous fish runs are considered remnant in the Salmon River. Steelhead, coho and chinook live in the lower Roaring River, and wild rainbow and cutthroat trout thrive throughout its length.

The native rainbow trout fisheries in the Williamson, Sprague and Sycan Rivers is legendary. Over 200 native trout per mile reside in the upper Williamson. The short-nosed sucker, a threatened and endangered species candidate, lives nowhere else in the world. All of these rivers have been seriously impacted by agricultural development, timber harvest, grazing, and dams. And the native fisheries have been reduced as a result.

Rivers on the east side of the Cascades reflect the critical need for an insurance policy to protect fish. Rivers that enter the lower Columbia allow fish to migrate to the ocean with only a couple fish-killing dams to negotiate. Rivers that enter the upper system, such as the Snake River tributaries, are the most impacted by mainstem dams. Salmon and steelhead migrating from the Grande Ronde River must pass eight dams to reach the ocean. With 15-30% mortality at each dam, the toll on both smolts and adults is dreadful.

The Deschutes River system is world-renowned for its native trout fishing, brown trout fishing, and salmon and steelhead fishing. Up to 4,700 salmon and steelhead are taken annually in the Native American dipnet fishery alone at Sherars Falls. The Metolius River, void of salmon and steelhead due to Round Butte and Pelton Dams on the Deschutes, is a tremendous native trout producer. Construction of these dams in the mid-1960's sparked a tremendous controversy, with the State of Oregon opposed. Ammunition against the dams included its rating by Outdoor Life Magazine in 1959 as Oregon's top wild trout stream. Its fame was exemplified by frequent visits from Herbert Hoover, and Metolius River fishing trips by Adlai Stevenson and General George Marshall. But the dams were built and destroyed or damaged nearly 50 miles of fish habitat.

The John Day River, is the most important river system in S.2148. Only comprehensive protection and planning can save this river renowned as the largest producer of native salmon and steelhead in all of eastern Oregon. Even with this distinction, fall chinook and coho salmon are nearly extinct, and the number of red counts for steelhead and spring chinook has been on a downward spiral for 30 years. The North Fork produces 90% of spring chinook and 70% of steelhead produced by the entire John Day Basin. This fishery was valued at $3.7 million in 1978. The North Fork, South Fork, and mainstem John Day River are crucial to the success of S.2148. Over $30 million have been spent on the Grande Ronde River to offset fishery losses caused by mainstem dams and habitat destruction. The Grande Ronde, once called the best dry-fly steelhead fishery in Oregon, was closed to fishing in 1974. Hatcheries have brought the fishery back (at a cost of nearly $15 million) and anglers once more pursue steelhead. A remnant wild salmon and steelhead run exists, over one million steelhead smolts are released annually, and chinook salmon are being produced with an anticipated near-future sport fishery. But continued efforts to dam the river, and further degradation of habitat from logging, agriculture, and grazing, point out the inconsistencies in planning. Two Grande Ronde drainages, the Wenaha and Minam Rivers, are managed as wild salmon and steelhead habitat, reflecting their wilderness character and the necessity of Wild and Scenic River management. The Imnaha River is relatively intact but fisheries continue to decline from downstream dam passage problems. Wild chinook salmon and steelhead continue to return to the Imnaha and plans are under way for large scale hatchery supplementation.

All of the above rivers contain important wild resident rainbow and/or cutthroat trout fisheries. The Powder River and Burnt River systems contain only resident fish; they enter the Snake River above Hells Canyon Dam and thus are forever blocked to salmon and steelhead passage. Thief Valley Dam, on the Powder, stores irrigation water and in low water years is drained completely dry. Yet the Powder below the dam provides one of northeast Oregon's most productive wild rainbow trout fisheries. A balance is desperately needed; development must be complimented by protection of this fishery with Wild and Scenic designation. Eagle Creek, tributary to the Powder, is a crucial component of S.2148. A six mile roadless section provides outstanding wild rainbow and bull trout fishing. All in a belljar environment surrounded by intensive logging pressures. Once leaving Forest Service lands, Eagle Creek is drained dry by irrigation, and often does not reach its mouth at the Powder.

In southeastern Oregon flows an out of the way wild trout fishery that is just now beginning to receive the appreciation it deserves. The Donner und Blitzen River, and its most important tributaries as included in S.2148, is a famed wild trout stream. A unique high-desert producer of large, wild trout, the Oregon Dept. of Fish and Wildlife is initiating fisheries studies and parts of the system have been designated for wild trout management.

**WILD AND SCENIC RIVER ADDITIONS**

Several rivers have been prioritized for addition to S.2148. From a fisheries standpoint five of these are priority, additions that cry out for inclusion. The Elk River, with the North Fork Smith and Chetco Rivers mentioned above, weighs heavily in the Siskiyou National Forest's reputation for producing more wild anadromous fish than any Forest in Region 6. The Elk is the highest producer of wild salmon and steelhead in Oregon. Over 240,000 wild chinook and 14,000 wild steelhead smolts are produced, with about 25% of the salmon and 95% of the steelhead spawned on Forest Service sections of the River. In 1985 the Elk had some of the highest coho salmon smolt densities of any Oregon coastal river. The Sandy River attracts crowds from nearby Portland that rival a Trailblazer game. Here fishing for salmon, steelhead, and smelt is an institution. The North Fork of the Middle Fork Willamette is a wild trout fishery with some of Oregon's only fly-fishing only water. Steamboat Creek on the North Umpqua spawns over 60% of the famed Rivers' wild salmon and steelhead. In the mid-1960's a drastic decline in Steamboat Creek anadromous fish runs was attributed to concurrent logging of the watershed. Yet the Umpqua National Forest proposes intensive timber harvest in its Draft Plan. The Klamath River needs no further description here; its wild trout fishery, the first designated in Oregon, is famous.

Other rivers such as the Wallowa, Nehalem, Coquille, Breitenbush, Little North Santiam, Willamette, Pine Creek on the Powder River, and Santiam River forks, also warrant Wild and Scenic River protection of their fisheries.

**SUMMARY**

While pressures mount to eliminate the Alsea River because of private landowner opposition, or the Grande Ronde River due to a perceived negative impact to the timber industry, and other rivers for other reasons, the importance of balance must be accounted. We'll spend nearly a billion dollars to restore salmon and steelhead in the Columbia River system. Nearly every Oregon National Forest Draft Plan estimates more demand for fisheries than can at present be produced. With implementation of current Forest Plans, all lands not currently protected for other than timber-related uses, will be logged. Currently dams, reservoirs, and hydro projects exist on the Imnaha, Owyhee, Lostine, Minam, Crooked, Deschutes, Donner und Blitzen, Sprague, Crooked, Clackamas, Metolius, North Umpqua, Upper Rogue, Grande Ronde, and Quartzville Creek systems. More river miles in the Willamette River Basin lie placid behind major dams than are included in S.2148. About 200 miles of the Columbia and Snake Rivers, forming Oregon's border, are backed up behind dams.

Logging, irrigation diversion, agriculture, road construction and other uses have impacted nearly every river in S.2148. Cumulatively, these adjacent land uses coupled with dam construction have created pollution and streamflow problems, the scale of which is just now being recognized. Future pollution control efforts will be much harder to remedy than past problems. Nonpoint source pollution will be the number one killer of fish and wildlife in the foreseeable future.

The Oregon Omnibus Wild and Scenic River Bill is crucial to the survival of Oregon's rivers. Wild salmon and steelhead must have the protection given by designation if they are to continue to provide Oregonians with recreation, and rejuvenation. Enacting this insurance policy to assure benefits from massive mitigation efforts is tantamount to survival of our fisheries, and of our rivers. Passage of S.2148, with some critical additions, could be the most important natural resource decision in decades. Sen. Hatfield, we look forward to your stewardship of this potentially historic river saving effort.

Rick George
Director - ORC

Senator **Hatfield**. Thank you very much, Mr. George.

## STATEMENT OF ROMAIN COOPER, CAVE JUNCTION, OR

Mr. **Cooper**. Good day, Senator Hatfield. My name is Romain Cooper. I'm a resident of the Illinois Valley, near Cave Junction. I want to thank you for traveling to Grants Pass, getting down to this part of the state and especially for introducing such far reaching legislation.

I'm going to testify on behalf of four rivers that are nearby Illinois Valley. My neighbors, my friends all use these rivers; the four are the Chetco, the North Fork Smith, the Winchuck and the Elk.

Most of the river miles is on Forest Service lands. Siskiyou National Forest of course is the logical agency that manage these rivers. They have done a very good job in managing the Illinois and the Rogue.

The Chetco is a nationally renowned river with exceptional scenery and angling. Recreational boost to provide to the Brookings area, is extremely important. It's also a key attraction to retirees who settle in Coos County.

The Siskiyou Forest in its land use plan analyzed the Chetco Forest for its wild and scenic rivers suitability. They were kind of lukewarm in their preferred alternative. They did not recommend designation.

I'm going to quote from the plan:

> Recreation oriented travelers from the metropolitan areas would normally seek areas both closer to home and of higher quality in terms of scenery and experience.

In reality, the scenery along the river is first rate and the angling experience is incredible. Anyone who has been on the river during the fall Chinook run knows how popular it is.

The North Fork of the Smith is another river that's on the Siskiyou National Forest that was analyzed in the Siskiyou draft plan. Again I'll quote:

> The shallow water, cobbly bottom, and small stream character of the river does not lend itself to any unique beauty. Within California, the river changes character and becomes quiet and lazy with deep holes and deep spawning beds, an excellent river for fun in the sun type activities. However, in the inventoried section of the North Fork in Oregon, these characteristics are absent and much of the attractiveness is lost.

I've hiked that entire river. I've kayaked it from, into Oregon down to Gasquet, California where it joins. This river isn't lazy. It's a Class 4 white water stream. The attractiveness isn't lost when eventually, when it crosses into the Oregon border. This is an incredible, incredible river. I just want to bring out these two points, too, because I want you to be very skeptical. Skeptical isn't the right word perhaps. I want you to be, know what I've got down here. I want you to be critical when you consider Forest Service testimony regarding the suitability of these rivers.

The Winchuck and the Elk likewise are beautiful rivers. In my written testimony I've expounded on that.

Thank you very much.

[The prepared statement of Mr. Cooper follows:]

Romain Cooper
10398 Takilma Road
Cave Junction, Or 97523
(503) 592-2311

June 1, 1988

To: Senator Mark Hatfield

Re: Testimony for hearing on Ore.
Wild and Scenic River legislation

Good day, Senator Hatfield. My name is Romain Cooper and I am a resident of the Illinois Valley near Cave Junction. I want to thank you for traveling to Grants Pass and taking the time to conduct a Senate hearing on this important Proposed legislation. And, especially, I want to thank you for initiating such far-reaching rivers legislation.

I will testify on behalf of four near-by rivers that deserve Wild and Scenic River System inclusion--- the Chetco, the North Fork Smith, the Winchuck River, and the ELk. All of these rivers enjoy local support among my friends in the Illinois Valley and I have with me a petition signed by Illinois Valley residents urging that you help these rivers through the legislative process to Wild and Scenic River System designation.

The Chetco is a nationally renowned river with exceptional scenery and angling. The recreational boost it provides the Brookings area tourism economy is essential and it is a key attraction to retirees who choose to settle in Curry County.

The Siskiyou national Forest, in its recently released Draft Forest Plan, studied the Chetco (the part primarily in National Forest ownership) for its Wild and Scenic suitability. The Forest deemed the river eligible but, in the Siskiyou's Preferred Alternative, the Chetco was not recommended as a Wild and Scenic River. Throughout the analysis, the Siskiyou National Forest downplayed the Chetco's attributes. For example, I quote from the Draft Plan (p. E-14), "Recreation oriented travelers from the metropolitan areas would normally seek areas both closer to home and of higher quality in terms of scenery and experience."

In reality, the scenery along the River is first rate and anyone on the River when the Fall Chinook are running can recognize the popularity of the fishing experience. The Chetco is one of the very finest fall chinook rivers with large runs of large sized fish. Due to the exceptional scenery and water quality, the fishing experience is a high quality one. Anglers from all over, including metropolitan areas, congregate for the fall run. The steelhead fishing is also excellent.

There are two forks of the Chetco which merit designation for the same general reasons that the main fork does. The Little Chetco is a beautiful headwater stream entirely within the Kalmiopsis Wilderness. The South Fork Chetco also begins in the Kalmiopsis but has a six mile stretch worthy of scenic designation that is out of the Wilderness.

The North Fork Smith River, like the Chetco, was studied by the Siskiyou National Forest for Wild and Scenic River suitability. And, like the Chetco, it was found eligible but not recommended for inclusion in the System. Also, its attributes were undervalued.

I'd like to quote from the Siskiyou National Forest evaluation of the North Fork in its Draft Forest Plan (pp. E-38 & 39). "The shallow water, cobbly bottom, and small-stream character of the River does not lend itself to any unique beauty." and "Within California, the River changes character and becomes quiet and lazy with deep holes and deep spawning beds-an excellent river for fun-in-the-sun type activities. However, in the inventoried section of the North Fork Smith in Oregon, these characteristics are absent and much of the attractiveness is lost."

I've hiked much of the upper parts of the North Fork and kayaked the lower sections from two miles above the Oregon-California border to Gasquet, California where the North Fork and Middle Fork Smith converge. One thing I know, the California portion of this river is anything but lazy as described in the Siskiyou Draft Plan. Rather, It is a Class 4 whitewater River with one major rapid following another. And the River does not conveniently loss its beauty at the California border. The upper River is exquisite. The combination walk-swim my wife and I took between Baldface and Chrome Creeks up the North Fork is one of our most memorable river experiences.

I am pointing out what I see as bias in the Siskiyou National Forest analysis of the Chetco and North Fork Smith because I want you, Senator Hatfield, to critically consider any agency opinions on the suitability of our South Coast rivers for Wild and Scenic River System inclusion.

Back to the North Fork in particular, the California section of this river is already a part of the National Wild and Scenic River System. It makes sense to extend the designation upstream and provide a continuity to the whole drainage. A novel and worthy aspect of the California designation of the Smith is that it grants protection to major tributaries. For the sake of continuity, could you consider a similar management tactic for the Oregon potion.

The Elk River is, like the Chetco and the Smith, a river nationally regarded for its Anadromous fishery. To again quote from the Siskiyou Draft Plan, "The fisheries inventory crew from the Pacific Northwest Experiment Station, working in the area in May of 1985, found that the North Fork of the Elk River was producing tremendous numbers of fry steelhead and salmon. The crew described the area as being one of the most productive that had been found anywhere in the state. Similar results are expected to be found in the South Fork."

The residents of Port Orford and the surrounding area are strongly supportive of Elk River designation. The area depends heavily on its commercial fisheries industry and fisheries dependent tourism.

When I explained to friends and neighbors that an Oregon National Wild and Scenic Rivers bill was in the works and asked for support in protection of the previously mentioned rivers, I was asked by several people, "What about the Winchuck?" I realized that, like myself, Illinois Valley residents appreciate and use this River. The Winchuck, like the Chetco, augments the Brookings area's recreational appeal. And like the Chetco, it delivers a noteworthy salmon and steelhead fishery.

Driving down Highway 199, between Cave Junction and Crescent City, one can observe the intense color of the waters of the Smith River. I have observed clear, clean water in many of the fine rivers of Oregon, but the blue-green waters of the Smith always seemed visually distinctive. The Tolowa tribe named a village and the color blue-green after the Smith's unique hue--Hiouchi. The Winchuck shares with the Smith, closer than any other river I've observed, the beautiful, blue-green water.

The Chetco, Elk, and Winchuck all have downstream portions with high scenic, recreational, and fisheries values and with most land ownership in private hands. Please consider these portions as well as the upstream National Forest lands for Wild and Scenic inclusion. The Chetco's downstream private section is famous for its salmon fishing. Overdevelopment could spoil the quality recreational benefits that locals and tourists alike depend upon. The Winchuck and Elk both contain beautiful farmland in the privately owned, downstream river segments. Recreational river status would protect the pastoral nature of these areas and still allow sound recreational development. In all three cases, the opportunity to protect a river's natural beauty and environmental integrity from its headwaters to the Ocean is a rare one and we should closely examine this possibility.

Senator, probably the most controversial and well-publicized potential Wild River that your legislation will affect is the Upper Klamath, that section which the City of Klamath Falls would inundate with the proposed Salt Caves Dam. My impression is that the average Oregon citizen who has an opinion on this issue sees the City as trying to rob the State of a natural treasure soley to mitigate the city's economic woes. And the average Oregonian citizen also sees the project as economically marginal and dubious. Recent opinion polls reflect the same skepticism in Klamath County. The citizens of the state are getting tired of the city wasting money on further feasibility studies and public relations campaigns.

Governor Goldscmidt's public disapproval of the dam reflects the factual evidence of environmental and economic costs and benefits and reflects the opinions of his constituency, the people of Oregon. Please do the citizens of the State of Oregon and of the City of Klamath Falls a favor and help put the Upper Klamath in the National Wild and Scenic River System.

If there are any questions I can answer or any comments you would like to make, please feel free to contact me. Thank you again for the opportunity to testify.

Sincerely,

Romain Cooper

Romain Cooper

Senator HATFIELD. Thank you very much.

## STATEMENT OF GWEN ADAMS, SISKIYOU AUDUBON SOCIETY, GRANTS PASS, OR

Ms. ADAMS. Good morning, Senator Hatfield. My name is Gwen Adams and I'm here representing Siskiyou Audubon Society, which is a growing chapter of National Audubon. Our chapter currently has over 300 members, primarily in the Josephine County area. Our chapter is taking an increasing role in conservation planning for southern Oregon. And we most readily welcome this bill.

Rivers have been the focus of Audubon for a long time. Their value to our interest is of course beyond compare. For you to take this historic step in this direction deserves our commendation.

Our experience here with the Rogue River has been that its designation, in part, as wild and scenic has been a boom, not only to the commercial interest but to the value that Audubon holds dear. Audubon's interests don't stop with just the bald eagle, the osprey or the great blue heron, which all species we commonly see on a casual drift during the wild and scenic Rogue, but they do extend to the steelhead and to the salmon and to the sea run cutthroat, and just the very wildness of the river itself. Without the federal protection part of the Rogue enjoys, we can reasonably speculate that many of these treasures will be in danger.

The rivers listed in your bill and the communities impacted deserve the many advantages that we feel we enjoy because of this protection.

There is a few concerns with the bill, with all due respects. I too had planned on talking of the Upper Klamath. I will, however, bite my tongue and it is in my written testimony.

But there is another river that we feel your bill overlooks and that is the southwest Oregon Elk River. Experts have indicated that this may be one of the richest salmon and steelhead fisheries outside of Alaska. And this charming river will offer Oregonians now and in the future, if its preserved, intact.

Our southern Oregon coast can stand to benefit as Grants Pass has through federal designations of wild and scenic for the Elk River. We urge you to add the Elk to your list of rivers and hopefully the rivers that you have included will be destined for recognition as their true worth as free flowing rivers.

In summary, we are really greatful for your leadership on this legislation. We offer our support and our assistance and our encouragement in your efforts to pass this bill. We hope you will consider the Elk and the Upper Klamath for addition to the bill. We wish you good luck, and thank you.

[The prepared statement of Ms. Adams follows:]

SISKIYOU AUDUBON SOCIETY
PO BOX 1047
Grants Pass, Or. 97526

Senator Mark Hatfield
555 SW Yamhill St.
Portland, Oregon
97204

Dear Senator Hatfield,

I am representing the Siskiyou Audubon Society a growing chapter of the National Audubon Society. Our chapter currently has in excess of 300 members, primarily in Josephine County. Our chapter is taking an increasing role in conservation planning for southern Oregon and most readily welcomes your bill.

Rivers have been the focus of Audubon for a long time. Their value to our interests is beyond compare. For you to take such an historic step in this direction deserves our commendation.

Our experience with the Rogue River has been that its designation, in part, as Wild and Scenic has been a boon not only to commercial interests but to the values Audubon holds dear. Audubon's interests don't stop with the bald eagle, osprey, and great blue heron, all species commonly seen on a casual drift down the wild and scenic Rogue, but extend to the steelhead, the salmon, the sea run cutthroat, and the very wildness of the river itself. Without the Federal protection part of the Rogue enjoys we can reasonably speculate that many of these treasures would be in danger. The rivers listed in your bill and the communities impacted deserve the many advantages we enjoy with this protection.

Our concern with your bill, with all due respect, is that it does not go far enough. The Upper Klamath, for one, is a river richly deserving protection. With even Klamath County split as it is as to the value of Salt Caves we urge you to join forces with Congressman DeFazio and put the issue to rest with Congressional action. The administrative and public relations efforts have demonstrated the deep divisions amongst those concerned. We urge you to consider adding the Upper Klamath to your bill in order to swiftly end the controversy before more dollars are spent on trying to "sell" the dam.

Another river we feel your bill overlooks is southwest Oregon's Elk River. Experts are indicating this may be one of the richest salmon and steelhead fisheries outside of Alaska. This charming little river has much to offer Oregonians now and in the future if preserved intact. Our southern Oregon coast can stand to benefit, as Grants Pass has, through Federal designation as Wild and Scenic , of the Elk River. We urge you to add the Elk to your list of rivers hopefully destined for recognition of their true worth as free-flowing rivers.

In sum, we are grateful for your leadership on this legislation. We offer our support, assistance, and encouragement in your efforts to pass this bill. We hope you will consider the Elk and the Upper Klamath for addition to your bill and wish you good luck.

Gwen M. Adams
Conservation Committee
Siskiyou Audubon Society

Senator HATFIELD. Thank you.

## STATEMENT OF JOHN HOUTROUW, ELK RIVER RANCH, PORT ORFORD, OR

Mr. HOUTROUW. Senator Hatfield, fellow citizens, my name is John Houtrouw. My wife and I make our home on the Elk River near Port Orford, on Oregon's south coast.

Prior to settling on the Elk River, we spent at least a year on the road searching for a clean flowing coastal river which would sort of fulfill a vision we shared for over 20 years. We cruised the coast from central California to the Canadian border and found nothing we felt compared to the crystal clear Elk River and the south coast of Oregon where it flows.

However, I'd like to add, with the clean, clear water of the Elk is not of scenic value alone. Elk plays a vital role in the economy of our small coastal communities. First, the money spent by sportsmen visiting the south coast to fish during the salmon and steelhead seasons brings a well-needed boost to local business during the slow winter months.

Second, the tourist, campers and retirees who line Highway 101 during the summer are attracted by our outstanding recreational opportunities and again, contribute significantly to the local economy.

Third, held deeply by the fishermen who ply the ocean offshore for coho and chinook salmon which spawn in the river and are produced by the ODFW hatchery on the stream.

The Elk river is famous among south coast and central Oregon fishermen for being a great fishing river. And it's the first to clear and become fishable after storms have brought heavy rains and which muddy the streams. Generally you can see the gravel and rock bottom in the pools up to 25 feet deep. The river's an incredible blue-green color. From October through March, during the three months of salmon season and the following three months steelhead season, we have counted from our deck as many as 50 drift boats a day taking advantage of the outstanding recreational opportunities the Elk has to offer. I personally know three licensed drift boat guides who fly the river and depend on it for part of their livelihood.

We have met people as far as from the east coast and mid-west that travel to Oregon to drift the Elk with professional guides. When the salmon run begins in the fall we have seen as many as 100 fishermen in a day lining the banks of the mouth of the river.

In short, the Elk is one of the last great free-flowing coastal fishing streams.

In the beautiful sections of the Elk, where the proposed wild and scenic section flow through the Siskiyou National Forest are the artists, photographers, campers, trout fishermen and naturalists alike, take full advantage of the ample beauty and serenity. The canyons are often steep and the trees are huge, cool and green. The river flows past primitive campgrounds, sun-warmed gravel bars and swimming holes, many of which are easily accessible from a paved road. The old-growth trees along the upper Elk canyon are not only impressive and beautiful, they provide an essential cooling canopy which protects important salmonoid spawning and rearing habitat. With an average rainfall of 120 inches per year, the trees of the Elk River watershed also provide nature's best erosion control.

We feel that these many recreational, scenic and economic opportunities now provided by the crystal clear Elk would be seriously impacted, if not destroyed, if logging is allowed in the upper sections of the river. The scenic value of the old-growth timber would be removed forever. The quality and clarity of the water, the river's subsequent value as a superior spawning and fishing river, would be negatively impacted by erosion and siltation for years into the future.

I see my time is up. I just want to thank you, Senator, for introducing this legislation and thank you for providing this for us.

Senator HATFIELD. Thank you.

## STATEMENT OF PEGGY BLOOM, OREGON RIVER EXPERIENCE, EUGENE, OR

Ms. BLOOM. Good morning, Senator. My name is Peggy Bloom. I'm co-owner of Oregon River Experience, commercial outfit here in Oregon and we are now in our 11th year.

Our business relies on free-flowing rivers. Our clients come from all over the nation and from other countries as well. And they come expecting to see beautiful scenic free-flowing rivers that are teaming with fish. This is their image of Oregon and one of the things that draws them here. It's one of the things that drew me here from North Carolina several years ago.

We take about 1500 clients a year down the rivers. And in addition to paying us for the river trips, they use local motels and restaurants and they visit lots of Oregon tourist sites. This adds quite a bit to Oregon's economy. We've done some looking into that to see kind of how much that does add. In addition to this our company employs about 25 folks during the year. They spend their pay checks right here in Oregon too. All in all what we have come with is about a million dollars a year, our business alone brings into Oregon. That includes in general are a vital component of Oregon economy.

I strongly support your historic legislation from a pragmatic point of view because it will protect and preserve the rivers upon which we rely for our business. But also from a purely personal point of view.

I am lucky enough to be able to enjoy our beautiful Oregon rivers while I earn my living and I'd like to continue doing that.

While I completely agree with your reasoning concerning the jeopardy issue of adding the Upper Klamath to your bill, I also feel that this stretch of river is vital and imminently threatened and it needs to be protected. I strongly encourage you to find some way to protect it.

On behalf of all the Oregon's outfitters, I thank you for taking this step to protect not only our livelihood but also the rivers we love.

Thanks.

Senator HATFIELD. Thanks to all of you for your testimony.

Now I'd like to invite Mr. Michael Hartfield, Mr. Neal Eberlien, Mr. John Putman, Mr. Lloyd Wilson.

Mr. GEORGE. Senator, excuse me, may I have 30 seconds?

Senator, I'd like to present a plaque to you of friends on behalf of the Oregon Rivers Council and on behalf of everyone out in the audience today that you see wearing the yellow and orange "We support wild and scenic rivers in the State of Oregon buttons". On behalf of all of us I thank you very much for your efforts and the Oregon Rivers Council certainly appreciates all the work that you have done and your staff has done toward protecting Oregon rivers.

[Applause.]

Senator HATFIELD. That kind of audience participation is permitted.

You may proceed.

## STATEMENT OF C. MICHAEL HARTFIELD, CITY OF KLAMATH FALLS, KLAMATH FALLS, OR

Mr. HARTFIELD. Senator Hatfield, I'm Michael Hartfield. On behalf of the people of Klamath Falls, Mayor George Flitcraft and the City Council, I would like to thank you for staging these hearings in various cities in the state on this very important matter.

Senator Hatfield, you have been a strong advocate of seeking balance between the economy and the environment when considering questions of the use of natural resources. As you know, Oregon owes its economic existence to its natural resources. Today, the state is somewhat less dependent on the development of those resources but in cities like Klamath Falls, a realistic view of the environment is very important.

The city of Klamath Falls still struggling with over 11 percent unemployment years after the recession has ended in most areas, is seeking to harness a part of the Klamath River's hydro potential, not for private gain but for the good of today's citizens, their children and grandchildren.

As you know, the Klamath River runs for almost 200 miles. Under President Carter, the river was examined for wild and scenic potential. It was decided that the 190 miles flowing through California with its anadromous fish runs should be designated wild and scenic, but the upper portion of the Klamath with five dams and a 54 mile stretch with water flows in some reaches that rise and fall three feet per day, and no anadromous runs, was left for its historical uses—uses outlined in the Klamath River Compact—irrigation, recreation, hydro, etc.

Water users say current and future hydro projects must serve to retire the large debt that will be incurred if development of off stream storage of water is to occur in the Klamath Basin.

In the selection of rivers in S. 2148 you chose to omit the Klamath River. I applaud your judgment for inclusion of the Klamath would to do a disservice to the notion of wild and scenic, and would make passage of S. 2148 more difficult.

There is no doubt that some rivers serve to be brought under the protection of the, deserved to be brought under the protection of the federal law of Wild and Scenic Act. On the other hand, I feel that inclusion of the Klamath River would not satisfy the criteria of wild and scenic but serve solely to frustrate the activities of one community in its desire to create solutions to its severe economic problems.

We Oregonians are facing a serious problem, our young are leaving the state in search of opportunities. Majority of our state is owned by the federal and state government. Set-asides are costly and must be considered very carefully before they're cemented into law. You are being asked by some to include the Klamath River. But I suggest that we Oregonians must be very careful in striving for that balance between achieving a healthy economy that will support our young and a responsible environmental policy to preserve our true natural resources.

I would finally like to thank you for your stated position on the Salt Caves hydro electric project. The people of Klamath Falls have spent years of effort, both professional and volunteer, plus a substantial financial investment attempting to weave their way through a very difficult process to site an environmentally acceptable hydro project, a project that does not conflict with the current multiple uses of the river for fishing, rafting and hunting.

[The prepared statement of Mr. Hartfield follows; the information referred to was retained in subcommitee files:]

# STATEMENT
# OF
# C. MICHAEL HARTFIELD
# CONSULTANT TO THE CITY OF KLAMATH FALLS
# JUNE 1, 1988

On behalf of the people of Klamath Falls, Mayor George Flitcraft, and the City Council, I would like to thank you for staging these hearings in various cities in the state on this very important matter.

Senator Hatfield, you have been a strong advocate of seeking balance between the economy and the environment when considering questions of the use of natural resources. As you know, Oregon owes its economic existence to its natural resources. Today, the state is somewhat less dependent on the development of those resources, but in cities like Klamath Falls, a realistic view of the environment is very important.

The City of Klamath Falls, still struggling with over 11% unemployment years after the recession has ended in most areas, is seeking to harness a part of the Klamath River's hydro potential, not for private gain, but for the good of today's citizens, their children and grandchildren. As you know, the Klamath River runs for almost 200 miles. Under President Carter, the river was examined for Wild & Scenic potential. It was decided that the 190 miles flowing through California with its anadromous fish runs should be designated Wild & Scenic, but the upper portion of the Klamath with five dams in a 54 mile stretch, with water flows in some reaches that rise and fall 3 feet per day and no anadromous runs, was left for its historical uses--uses outlined in the Klamath River Compact--irrigation, recreation, hydro, etc. Water users say current and future hydro projects must serve to retire the large debt that will be incurred if development of off stream storage of water is to occur in the Klamath Basin.

In the selection of rivers in S. 2148, you chose to omit the Klamath River. I applaud your judgment, for inclusion of the Klamath would do a disservice to the notion of Wild & Scenic, and would make passage of S. 2148 more difficult.

There is no doubt that some rivers serve to be brought under the protection of the federal Wild & Scenic Act. On the other hand, I feel that inclusion of the Klamath River would not satisfy the criteria of Wild & Scenic, but serve solely to frustrate the activities of one community in its desire to create solutions to its severe economy problems.

We Oregonians are facing a serious problem--our young are leaving the state in search of opportunities. The majority of our state is owned by the federal and state governments. Set-asides are costly, and must be considered very carefully before they are cemented in the law. You are being asked by some to include the Klamath River, but I suggest that we Oregonians must be very careful in striving for that balance between achieving a healthy economy that will support our young, and a responsible environmental policy that will preserve true natural treasures.

I would further like to thank you for your stated position on the Salt Caves Hydroelectric Project. The people of Klamath Falls have spent years of effort (both professional and volunteer), plus a substantial financial investment attempting to weave their way through a very difficult process to site an environmentally acceptable hydro project, a project that does not conflict with the current multiple use concept of river management for fishing, rafting, and hunting. Your statement reflected what has been our request of those who are elected to office, namely, to allow the process to continue without interference from the legislatures, let the regulatory process decide whether the Salt Caves project can meet the high environmental standards set in law in 1988. I am certain that it can.

Finally, Senator Hatfield, I ask you to remain steadfast in your present position on the Klamath River. S. 2148 is important to the future of rivers in Oregon. I am certain you would agree with me when I say that attempting to include in the river inventory a stream already completely regulated by the Bureau of Reclamation and five hydro projects and that produces musty tasting fish that cannot be eaten in the summer due to algae ingestion, does not speak well for the concept of Wild & Scenic. I wish you well as S. 2148 continues through the process and, again, thank you for the opportunity to address the issue.

Senator HATFIELD. Thank you very much.

Mr. HARTFIELD. Thank you.

Senator HATFIELD. I would like to clarify that I wouldn't want implied that I have taken the position on the Salt Caves Hydroelectric Project. I've really not addressed the merits of the case at all. I have no intention of doing that while it's in this process. I have excluded it purely on the basis that the project is a part of the process that you have undertaken and I want to safeguard the rights of the citizens.

Mr. HARTFIELD. That was the position I was referring to.

Senator HATFIELD. Thank you, Mr. Hartfield.

## STATEMENT OF LLOYD WILSON, SAVE OUR KLAMATH JOBS, KLAMATH FALLS, OR

Mr. WILSON. Senator Hatfield, we are very happy to be part of this program this morning. My name is Lloyd Wilson. I reside in Klamath Falls. Retired Klamath County retailer, who has lived in Klamath Basin for several decades. I've hunted, fished, camped in southern Oregon for many years. Would like to address the appropriateness of excluding the Klamath River from S. 2148 and what it means to Klamath County.

I'm a member of an organization called Save Our Klamath Jobs. I am, and several thousand other people in the Basin are proposing the City of Klamath Falls to build a hydroelectric project among five other projects on the Klamath River now.

This stretch of river has been inventoried by the power companies for decades as one of the produced hydroelectric power, hydro that would provide inexpensive power for northwest users and would help finance off stream storage of water for agricultural use.

Save Our Klamath Jobs collected signatures backing the project of the county, those were several thousand I hold here in my hand, on both sides. They believe that the millions of dollars in revenue come into the city each year would serve to rescue the economy of the basin which has not yet recovered since the recession of 1982.

Five years ago if someone had told me it would cost two and a half million per year to process a hydroelectric application I would not have believed it. Today I know that to be a fact. The city has built volumes of factual documents that, studies done by biologists in the river canyon, engineering reports prepared by Stone and Webster Engineering to design a project that would not only produce power, but would produce more and larger rainbow trout.

In spite of the evidence in the record, there are some who would use the federal process to kill our project before the evidence has been presented in a factual hearing content. What is about our testimony that our opponents fear? Is it that we have done our home work? Is it that we have far more documentation on the river than state and federal agencies or our opponents? Why have they chosen this river to protect with virtually army of environmental organizations and descriptions of the river that rival Madison Avenue advertising techniques?

I would draw your attention to this pamphlet written and virtually no economic growth in our economy.

Second, they state that the Salt Caves would slow the river to a trickle, when in fact, the instream flow will be 350 cfs, a rate pegged at near optimum for all stages of life and for rainbow trout.

Finally they state white water rafting and fishing generate over $2 Million per year to the area.

I see my time is up, Senator. Thank you very, very much. And I'd like to submit these documents along with one from Mr. Ward who we have taken subject to on his matter. Thank you.

[The prepared statement of Mr. Wilson follows; the information referred to was retained in subcommittee files:]

## STATEMENT OF LLOYD WILSON

Good Morning, my name is Lloyd Wilson, I reside at 1125 Addison in Klamath Falls. I am a retired Klamath County retailer who has lived in the Klamath Basin for several decades, fished, hunted and camped in southern Oregon.

I would like to addres the appropriatness of excluding the Klamath River from S.2148 and what it means to Klamath County.

I am a member of an organization called Save Our Klamath Jobs. I and several thousand other people in the Basin are proposing the City of Klamath Falls build a hydro project among five other projects on the Klamath River. This stretch of river has been inventoried by the power companies for decades as one that would produce hydro-electricity. Hydro that would provide inexpensive power for northwest users, and would help finance off-stream storage of water for agricultural uses.

Save Our Klamath Jobs collected petition signatures backing this project in Klamath County. Those thousands who signed these petitions believe that the best use of the river is as a hydro producer. They believe that the millions of dollars of revenue coming to the City each year will serve to rescue the economy of the Basin which has not yet recovered from the recession of 1982.

Five years ago if someone had told me that it would cost $2.5 million per year to process a hydro application I would not have believed it. Today I know that to be a fact. The City has built volumes of factual documentation with studies done by biologists in the river canyon, engineering reports prepared by Stone and Webster Engineering to design a project that would not only produce power, but would produce more and larger rainbow trout. In spite of the evidence in the record, there are some who would use the federal processes to kill our project before the evidence has been presented in a factual hearings context.

What is about our testimony that our opponents fear? Is it that we have done our homework? Is it that we have far more documentation on the river than the state and federal agencies or our opponents?

And why have they chosen this river to protect with a virtual army of environmental organizations and descriptions of the river that rival Madison Avenue advertising techniques?

I would draw your attention to this pamphlet written and distributed by the Oregon Rivers Council.

First they state that we have an energy surplus in the region that need not be addressed until the year 2004. That forecast implies virtually no economic growth in our economy.

Second they state the Salt Caves Project would slow the river to a trickle, when in fact, the instream flow will be 350cfs--a rate pegged at near optimum for all stages of life for rainbow trout.

Stating that the Salt Caves reach has about "the best wild trout fishing in the state...of big native trout" does not tell you that the fish in the reach are smaller than those in the stabilized water upstream and cannot be eaten during the summer due to algae conditions.

And finally, they state white water rafting and fishing generate over $2 million per year to the area, and much more in indirect revenue. Having lived in the area much of my life, I can tell you those figures have no basis in fact and cannot be verified.

Senator Hatfield, I thank you for your position. The Wild & Scenic rivers movement does not need poor quality rivers hyped by self-serving organizations that manipulate the process and distort the facts.

Senator HATFIELD. Thank you.

## STATEMENT OF NEAL EBERLIEN, KLAMATH FALLS, OR

Mr. EBERLIEN. Senator, I'm Neal Eberlien. I just like to address, I'm a native of Klamath Falls and life long fisherman, I support your position on the Upper Klamath.

Most of my experience on the Klamath goes back about 25 years during the late 1950's and throughout the 1960's, I fished the Klamath a lot. And mainly because it was a handy place to go. I'm a fly fisherman and it was real handy after work, you could work all day and leave at 5:00 o'clock and still get in a couple hours of fishing that day.

I've only fished the Klamath a couple times in the past 20 years. With additional family and job pressures I found that I really don't have time to fish after work and my fishing is limited to weekends and vacations. And I found myself going to the Rogue, the Umpqua, the Williamson, various other rivers but hardly ever back to the Klamath. And in thinking about that, there are a lot better places to go than the Klamath. If I'm going to go fishing, I want to go some place where the fish have a good flavor, where the meat is firm, where you don't have a lot of dirty foam along the banks, where it doesn't smell like a sewer on a hot day and where the water level is consistent from day to day when you go fishing. I want to go where you can find the kind of scenery that's addressed in your bill that has atmosphere of getting away from the influences of man.

There are a lot of beautiful rivers in Oregon that meet that criteria. But the Klamath is not one of them. Even if you were to go back and remove the existing dams and power lines and all the manmade influences in that canyon, you would still not solve the problem because you would have a warm water river that is full of algae and that certainly doesn't make for world class fishing and that would by the way remove the rafting on the river if you did remove the manmade influences.

Thank you.

[The prepared statement of Mr. Eberlien follows:]

June 1, 1988

Hon. Senator Mark Hatfield;

My experiences on the Klamath River mostly occurred about 25 years ago. During the late 50´s and throughout the 60´s I fished the Klamath quite often. It was a handy place to go. We could leave work at 5 p.m. and get in several hours of fishing before dark. The main attraction was the proximity to town. I am a fly fisherman, and there aren´t too many places you can go and still have time to fly fish after working all day.

I have fished the river only occasionally for the past 20 years. With additional family and job pressures I found that I no longer had time to fish after work. I´m still an avid fly fisherman, but now my fishing is limited to weekends and vacations, and I go to the Rogue, the Umpqua, the Sprague, but almost never the Klamath. I didn´t stop to consciously think about the reasons for no longer fishing the Klamath until I was preparing for this testimony, but it became obvious to me that it is because there are better places to go. If I am going to put forth the effort to go fishing, I will go where I don´t have to worry about snakes, where the fish are firm and have good flavor, where you don´t have dirty looking foam a foot thick along the edges, where it doesn´t smell like a sewer on a hot day, and where the water level is consistent from day to day.

When I go fishing, I want scenery I can enjoy, and a generally conducive atmosphere of getting away from the influences of man. There are a lot of beautiful rivers in Oregon that meet my criteria. The Klamath River doesn´t qualify. Even if you removed the existing dams and power lines that man added, you would still have to contend with warm water full of algae. That certainly doesn´t make for world class fishing.

Neal Eberlein
Klamath Falls

Senator HATFIELD. Thank you.

## STATEMENT OF JON PUTMAN, KLAMATH FALLS, OR

Mr. PUTMAN. Good morning, Senator. I'm not a public official. My name is John Putman, 430 North Third, Klamath Falls. Thank you for the opportunity this morning to testify on the question of adding the Upper Klamath to your Wild and Scenic Bill.

As you are aware, during the Carter administration, the Interior Department under Cecil Andrews determined the Upper Klamath did not meet wild and scenic criteria.

Our county has wrestled with the canyon's use designation and public hearings under goal five. On March 13th, 1987, April 3rd, April 30th, October 22nd and final adoption of a decision on November 9th, that decision was a 1c-3b designation to allow conflicting uses.

On February 10th, 1988, the order was signed by the County Commissioners of the Klamath County. And one county commissioner is here today and I hope he'll agree with that.

I am sure you agree it is the Klamath River Compact that sets, and after your statements this morning, the uses for the water in the upper basin. And the Bureau of Reclamation who make the delivery of the water possible to the water users.

I would like to leave with you today a copy of a book "Fifty Years on the Klamath", by J.C. Boil. A fascinating book spelling out why the upper basin was utilized for hydro development and should continue to be utilized in this manner. To read about—I'd like at this time to read a document from this book concerning salmon runs in the river. I have many times heard the damn dams ruin the salmon runs. This document is dated Evening Herald, Klamath Falls, Oregon, October 30th, 1914.

No salmon below the dam. The question of why the annual salmon run, the annual run of salmon has not made its appearance in the Klamath River as usual has been investigated and the cause is determined beyond any question of doubt. There has been discussion as to the cause of a lack of salmon run into the headwaters for the purpose of reproduction.

As a result the California Oregon Power Company was insistent on an investigation to determine if the cause lay in any way at the Klamath River dam under construction in California. At the request of the company, and in the interest of the fishing industry in southern Oregon, a most thorough investigation was made. No salmon were found below the dam.

This led to further investigation being made. And the cause was located at Klamath, where the United States Bureau of Fishery had established racks, traps and field stations for the taking of salmon eggs. We found that there are two separate racks extending entirely across the river from bank to bank, thus effectively cutting off the entire run of salmon.

In justice to the power company we can say that they are in no way responsible for no salmon being in the river.

It is my opinion that those racks and traps were stretched across the river long enough to break the migratory cycle of the salmon back in 1912.

Senator HATFIELD. Thank you very much.

Mr. PUTMAN. Thank you.

Senator HATFIELD. The rest of your testimony will be included. I thank all of you gentlemen of this panel.

I'd like to invite the Hon. Roger Hamilton, Katy Ardt, Mr. Noah Hague, Mr. Joe Willie Jones, Ms. Mayvis McCormick, and Mr. Dan Kellogg.

Unknown speaker from audience: Senator Hatfield, will you please make them get closer to the mic so we can hear?

Senator HATFIELD. Thank you for your suggestion.

You may proceed.

## STATEMENT OF ROGER HAMILTON, KLAMATH COUNTY BOARD OF COMMISSIONERS, KLAMATH FALLS, OR

Mr. HAMILTON. Thank you, Senator Hatfield. I'm speaking for myself as Chairman of the Board of County Commissioners, not representing the Board of Commissioners but representing, I believe, to be a large portion of the electorate of Klamath County and on behalf of those people of Klamath County who returned me to election for a second term as a county commissioner in the context if not because of some of the remarks that I'm going to be making today.

I certainly wholeheartedly support your proposed legislation designating certain rivers as wild, scenic or recreational. I agree with Congressman DeFazio that Oregon's economic diversification depends on the protection of its outstanding river fisheries and recreation.

By the same principle, I would request and will have to disagree with some of the premises that you have made regarding the Upper Klamath. I would request that you include the Upper Klamath River in Klamath County in your Omnibus Scenic River Bill.

This river merits special consideration as Oregon's most challenging white water experience and most outstanding wild trout fishery. It meets both state and BLM scenic and recreational standards and in the Northwest Power Planning council's proposed "protected area designation" because of its recreational and fish values. It is a world class recreational resource. Recent public opinion polls, as unscientific they might be, but at least these were unbiased in terms of not representing a particular current constituency, suggest that even in the Klamath Falls area, the majority of people favor the protection of the Klamath for recreational and cultural values. Proposed regional and economic strategies for southwestern Oregon focus on tourism and outdoor recreational assets. Finally, Governor Goldschmidt, after an intensive visit and study, found decisively in favor of the preservation of this river stretch for recreation and wildlife.

A bill protecting the Upper Klamath will correct the glaring omission of the Klamath from Oregon's inventory of scenic rivers. The Klamath River should not be held hostage for political reasons while other rivers, possibly of lesser significance, are protected simply because they are not presently subject to a Federal Energy Regulatory Commission application, such as the one pending over the Salt Caves issue.

Senator Hatfield, I'm going to have to disagree with you on the premise that because the process has been plagued into the Upper Klamath in terms of a regulatory process, that this particular inclusion of the Klamath in this bill would somehow jeopardize the rest of the rivers.

I heard this argument before the state legislature three years ago. Senator Bradbury who is here is familiar with that argument. That's one reason why we're still here struggling to see that the proper designation of the Klamath as a scenic river is included at least in the federal legislation. We lost the House Bill 2195 inclusion of the same type of argument.

I would suggest one way out of that would be to support separate legislation. The DeFazio-Aucoin-Wyden bill began to separate the Klamath out of the legislation, legislative process for that reason if you don't want to risk that.

Senator **Hatfield**. Have you submitted the request to the Oregon Legislature to identify this in state system?

Mr. **Hamilton**. Yes, we have. As a matter of fact, Board of Commissioners did submit that letter back in the fall.

Senator **Hatfield**. What is the response?

Mr. **Hamilton**. The response was that while the process was a year, and I believe it was a political response that it would be, not be appropriate to further explore that possibility at this time. But the foot note to that response was that the Klamath already met the guidelines of the standard for scenic designation and this came from the state parks director. A similar response came from the Bureau of Land Management.

Senator **Hatfield**. It would be very helpful if you could give us some of the documents involving that request for our record.

Mr. **Hamilton**. Yes.

Senator **Hatfield**. I think it would be helpful.

Mr. **Hamilton**. I would be delighted to.

I guess like Senator Bradbury, the Klamath as it is for like thousands of my constituents, represents a family recreational area of incredible value. I can compare it to Crater Lake except that to compare it to Crater Lake is to compare two different types of experience. Crater Lake is there to view. It's there to seek for its pristine value but it's difficult to swim, it's difficult to do the kind of high quality boating and fishing that you have in the Klamath. And I really have to strongly disagree with some of the comments made earlier by people who certainly have a right to say those things. The Klamath is not a good, is not a very nice area because of odors or algae or whatever.

This is an extraordinary stream. The algae is natural. It's greater than in the Klamath Lake, but it's an extraordinary stream.

To be real specific, a scenic designation for the Klamath would bring a marked increase in white water rafting activity and help expand a growing Oregon industry. It would encourage agencies to provide needed road access, including my own in Klamath County for shuttling outfitters and their clients. It would encourage interpretive displays and signs for extraordinary geological, Native American and pioneer history and wildlife.

Finally, it would improve the possibility of anadromous fish restoration to the Klamath Basin, a dream of the Klamath tribe, in Klamath County.

Former President Herbert Hoover and R. C. Wilson, past president of Stanford University, succeeded in having legislation passed in 1924 to prohibit dams in the lower Klamath and California. This visionary protection should be extended to the Upper Klamath in Oregon, so future Oregonians can also be guaranteed enjoyment of this splendid river.

Once again, I would like to thank you for your efforts on behalf of other Oregon rivers and only ask once again for inclusion of the Klamath in your efforts.

[The prepared statement of Mr. Hamilton follows:]

Klamath County - Board of Commissioners

COURTHOUSE ANNEX — 305 MAIN ST. — 503-883-5100 — KLAMATH FALLS, OREGON 97601-6391

LETTER TO BE READ AS TESTIMONY BEFORE PUBLIC HEARING ON JUNE 1, 1988
IN GRANTS PASS, OREGON

Senator Mark Hatfield
711 Hart
Senate Office Building
Washington, D.C. 20510

Dear Senator Hatfield:

I wholeheartedly support your proposed legislation designating certain rivers under U.S. Forest Service management as wild, scenic, or recreational. I agree with Congressman DeFazio that Oregon's economic diversification depends on the protection of its outstanding river fisheries and recreation.

By the same principle, I would request you include the Upper Klamath River in Klamath County in your omnibus scenic rivers bill. This river merits special consideration as Oregon's most challenging white water experience and most outstanding wild trout fishery. It meets both state and B.L.M. scenic and recreational standards, and Northwest Power Planning Council's proposed "protected area designation". It is a world- class recreational resource. Recent public opinion polls suggest that, even in the Klamath Falls area, the majority of people favor the protection of the Klamath for recreation and cultural values. Proposed regional economic strategies for Southern Oregon focus on tourism and outdoor recreational assets. Finally, Governor Goldschmidt, after an intensive visit and study, found decisively in favor of the preservation of this river stretch for recreation and wildlife.

A bill protecting the Upper Klamath will correct the glaring omission of the Klamath from Oregon's inventory of scenic rivers. The Klamath River should not be held hostage for political reasons while other rivers, possibly of lesser significance, are protected simply because they are not presently subjected to a F.E.R.C. application.

AN EQUAL OPPORTUNITY EMPLOYER

To be more specific, a scenic designation for the Klamath would bring a marked increase in whitewater rafting activity and help expand a growing Oregon industry. It would encourage agencies to provide needed road access for shuttling outfitters and their clients. It would encourage interpretive displays and signs for extraordinary geological, Native American and pioneer history, and wildlife. And finally, it would improve the possibility of anadromous fish restoration to the Klamath Basin.

Former President Herbert Hoover and R. C. Wilson, past president of Stanford University, succeeded in having legislation passed in 1924 to prohibit dams on the lower Klamath in California. This visionary protection should be extended to the upper Klamath in Oregon, so future Oregonions can also be guaranteed enjoyment of this splendid river.

Sincerely,

Roger Hamilton

Roger Hamilton
County Commissioner

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Senator **Hatfield**. Thank you. We should have gotten to the bottom line of Hoover in the beginning.

Mr. **Hamilton**. I'd like to just say if I may exercise my privilege for a moment as an elected official, to say one thing. Another remark was made about the Klamath River Compact. I'm not a lawyer. But I do understand a little bit about politics I think in political courage. And it seems to me it wouldn't take too much courage, you alluded to former Senator Wayne Morse, and I regard him as one of the most courageous politicians in the history of Oregon. It wouldn't take too much courage it seems to me to cut through some of the legalese that has swirled around this particular upper stretch of the Klamath and particularly the Klamath River Compact.

And I might just allude to the fact, again I'm not an attorney, but the lower Klamath has been designated as part of the Klamath River Compact, has been designated as scenic river and it seems to me it shoots down any argument that the Upper Klamath would possibly——

Senator **Hatfield**. Designated in 1924?

Mr. **Hamilton**. In 1924 there was legislation for dam protection, but as I understand it, and maybe somebody else can be more specific about this, the lower Klamath River has that kind of protection that reaches the level of federal scenic protection. There is probably somebody else——

Senator **Hatfield**. My point was Compact came after 1924.

Mr. **Hamilton**. I understand what you're saying.

Thank you very much.

Senator **Hatfield**. Thank you, Commissioner. It is very helpful to have your perspective.

## STATEMENT OF MICHELE McKAY, PRESIDENT, KLAMATH AUDUBON SOCIETY, KLAMATH FALLS, OR

Ms. **McKay**. Senator Hatfield, I'm not Katy Ardt, but my name does appear on a later panel. I am representing the Klamath Basin Audubon Society. Her name should not have been on this list.

Senator **Hatfield**. Would you say that again? Katy Ardt?

Ms. **McKay**. Katy Ardt's name should not have been on the list. But I am representing Klamath Basin Audubon Society. Although my name appears on a later panel I will speak at this time.

Senator **Hatfield**. What panel are you on?

Ms. **McKay**. Nine. My name is Michele McKay.

Senator **Hatfield**. Oh, yes, I see. Save Our Klamath River. But that is the Audubon.

Ms. **McKay**. I am representing Klamath Basin Audubon.

Senator **Hatfield**. We are happy to have you.

Ms. **McKay**. I live in Klamath Falls, Oregon. I'm the President of the Klamath Basin Audubon Society and am also on the board of directors of Save Our Klamath River.

I come prepared today to speak on the Upper Klamath River and so I will go ahead and do so in hope that things may be worked out for its inclusion in the future with your bill.

Came from Klamath Falls this morning to thank you for introducing your historic rivers bill. I'm proud that Oregon is once again taking the lead in preserving the natural resource treasures that are so dear to us all. We urge you to include in your bill the river that is most important to the people of Klamath County.

The Klamath River is one of our most unique and valuable wild places. Our Audubon group is concerned with bird and animal life in the canyon. Numerous species, some endangered, find wintertime sanctuary and summertime abundance along the Klamath River. We are especially concerned about the impact that diverting water from the stream bed and into a seven mile flume would have on fish and wildlife.

Save Our Klamath River seeks to preserve renowned wild trout fishing and the best summertime white water boating in the western United States. The rafting has only been discovered in the last few years and is growing rapidly bringing many new first time visitors to Klamath County.

We understand your reluctance to interfere in the Federal Energy Regulatory Commission process that is now studying the Salt Caves Dam proposal. However, we feel the FERC process doesn't give our river a full and fair hearing. While FERC does look at the economics and structural integrity of the dam, it does seek to minimize environmental damages. It does not sufficiently weigh the public's interest or ask the bigger question of whether the Klamath River is worth saving for future generations.

We believe the environmental value and recreational potential of the river are significant now and will increase in years to come. Construction of the Salt Caves Dam would represent a permanent, irreversible loss. A Wild and Scenic Rivers study should be started as soon as possible. Concurrent with the FERC studies we should be getting all the information we need to make intelligent choices for the future of the Klamath River.

I want to thank you once again for your time and your interest. We wholeheartedly support your efforts in this legislation.

Senator HATFIELD. Thank you, Ms. McKay.

May I say, since both of you first two witnesses are from Klamath Falls, as you know, the project has to move first through the state agencies. My understanding in discussing this with the state, is that those hearings will be held this fall, 1988. Following those hearings I'm sure you realize that under Section 2a of this Scenic Wild River Act, a governor may ask for a designation from the Secretary of Interior. A governor can get the legislature to make a statement of resolution. Then the Secretary of Interior can be requested to designate the Upper Klamath next year as the legislature meets in January 1989.

One of the reasons we put Section 2a in the bill when we were drafting it, was because the federal act provided an opportunity for action would be initiated at the state level and we hoped that states would do as Oregon did—to set up state wild river scenic protection, state action, or to let the initiative be taken as exemplified by this bill at the federal level.

So we had a duality approach here to draft it into the bill with specific purpose. I'm only raising this at this time in light of your support for the inclusion of the Upper Klamath in the federal initiative, namely Senate Bill 21. While we feel that an impediment, both from the standpoint of the citizen's rights to pursue a process, and the legal challenge that's been promised in effect, and the concerns raised by my own legal counsel in Washington. This could perhaps provide an earlier test to that legal question if the state disapproves of the project or through its process can maintain this as a live issue, not dependent upon whether or not we include it in this Senate version or whether or not the project has completed the process first. So it's not, I feel, one of those issues that either is going to be alive today and dead tomorrow or settled tomorrow and not included in the possible designation.

There is this second route and I only raise that as a matter of record since, as a participant in the drafting of this bill this was the intent.

## STATEMENT OF MAVIS McCORMIC, KENO, OR

Ms. McCormic. My name is——

Senator Hatfield. You are going to have to scoot right up or take it out. That's probably the better way.

Ms. McCormic. We'll compromise.

Senator Hatfield. Short leash any way you look at it.

Ms. McCormic. I'm Mavis McCormic. I reside at 13111 Pearson Butte Trail, Keno, Oregon. I'm listed I believe on your schedule as representing the League of Women Voters. While I am a member I'd like to speak for myself today.

I would like to thank Senator Hatfield for introducing legislation to protect many hundreds of miles of Oregon rivers through national wild and scenic river designation. Since the Senator has been quoted in the May edition of Oregon Business as saying his list of river segments is negotiable and he expects to add or drop some, I would like to urge him to add the Upper Klamath River to Senate Bill 2148.

As a neighbor of the Klamath River, my interest in maintaining its present values to wildlife and for recreation are personal. Living eight miles as the Eagle flies from the proposed Salt Caves Dam, I am concerned that the Eagle continues to fly and that the deer in my neighborhood have the advantage of low elevation habitat for use during severe winters.

The wild and scenic designation is being opposed by people who believe that the building of a dam should not be prohibited. The Salt Caves Dam is advocated for this supposed boost it would give to the economy.

Advantages to the local economy are debated heatedly, but the value and suitability of the Klamath as a wild and scenic designee is identified in a letter to the U.S. Department of Interior, dated March the 9th, 1988, and addressed to Lois Cashell, Acting Secretary of the Federal Energy Regulatory Commission. On page eight, quote, "There seems to be some confusion regarding the Nationwide Rivers inventory. The inventory was conducted by the National Park Service and the Klamath River was identified as one of the rivers having outstandingly remarkable features which made it a potential candidate for the Wild and Scenic River designation", unquote.

The argument is being made that since the dam project application has been submitted to FERC, the process should continue to a decision with no consideration of any conflicting designation. Surely this represents possible waste of money and much effort.

Thank you.

Senator HATFIELD. Thank you very much.

### STATEMENT OF JOE WILLIE JONES, HEADWATERS RIVER ADVENTURES, ASHLAND, OR

Mr. JONES. Senator Hatfield, my name is Joe Willie Jones. I reside at 1555 Ashland Mine Road, Ashland, Oregon. And I'm a professional river outfitter who has been very familiar with the Klamath River for the past seven years.

I'd like this opportunity to voice my most heartfelt appreciation and support for the National Wild and Scenic Rivers legislation, which you have proposed. Oregon's rivers have long been recognized by Oregonians as being one of our most valued treasures and this legislation is a positive step in a process that will serve to preserve these treasures for all Oregonians, now and in the future. I will suggest, however, that this bill contains several glaring omissions most notably, the Upper Klamath River, a river which is in serious jeopardy being lost to the City of Klamath Fall's Salt Caves Dam project.

As you may be aware, the Upper Klamath currently meets all requirements for Wild and Scenic status. It has been recommended for protection by the Bureau of Land Management. It supports Oregon's most renown wild trout fishery as recognized by the Oregon Department of Fish and Wildlife and it possesses outstanding scenic, natural and recreation values worthy of protection as recommended by the Oregon Parks and Recreation Division. I have hiked, fished, and grown to love the Klamath River in many ways. Yet it is as a professional river outfitter that I am most familiar with it.

I have made over 300 trips down the Upper Klamath over the last six years and have gotten to know it quite well. You could say that every rock and wave is like an old friend, or an old adversary, depending upon the situation.

I have made my home in southern Oregon because of the Upper Klamath, and have built my business, my life and many of my friendships around it. And there are probably many others here today who say the same thing.

Among river professionals, the Upper Klamath is considered among the top ten whitewater rivers in the U.S. It is known to be one of only two rivers in its class on the west coast which is raftable during the summer. In years of low rainfall such as that being experienced in the western U.S., this year and last, the Upper Klamath is the only Class IV–V stretch of river available on the entire west coast.

During the past seven years, recreational boating on the Upper Klamath has grown from being totally nonexistent, into a thriving multi-million dollar bonanza supporting nearly 30 outfitting businesses and hundreds of non-commercial interest. It has become an area of regional importance and irreplaceable value, certainly one worthy of a wild and scenic designation.

After learning about the Salt Caves Dam, reactions of my clients have ranged from sadness to rage. All have questioned the need for such a project at the expense of the painfully obvious assets which the river provides the area. Most of my clients have traveled hundreds of miles, some thousands, to get to the Klamath and enjoy its fishing, its whitewater and its beauty. I've taken several visitors down from every state in the union and from several foreign countries. Were it not for the river, most would never have come to Oregon. And I venture to say that none would have come to view a concrete canal, a dam or powerhouse.

I don't think we are asking for too much. This section of Oregon's Klamath is less than eighteen miles in length. The remaining stretches of Oregon's Klamath are already hard at work supporting three hydropower facilities and seven dams—dams which supply electrical energy and irrigation water for the Klamath Basin, and several lakes for recreational use.

As it stands, everyone is getting a slice of the pie—irrigation, wildlife, recreation and power production. In fact, Oregon's current utilization of the Klamath represents a rare example of the true non-conflicting, multi-use of a precious natural resource and should be viewed as a delicately balanced and efficient model for future land use planning. This balance would be grossly altered should the Salt Caves Dam be built. A wild and scenic designation would prevent this mistake.

I understand that including the Upper Klamath in your bill is a difficult political decision. And I applaud the citizens of Klamath Falls for their efforts finding a way out of their economic problem. However, the Salt Caves project is a narrow-sighted and selfishly conceived idea which will benefit a few at the expense of the entire region.

In closing, it seems to me the public policy is often forged on the basis of emotion and political posturing rather than plain good sense. I urge you to examine the issue of the Salt Caves Dam and the Klamath carefully. If you can find the time, take today off and take the trip down the river. Klamath can state its case much more eloquently than I ever could. If this is done I have no doubt that the decision will be as obvious to you as it is to me. Let's designate Klamath as wild and scenic river. After all, this is exactly what it is.

Thank you.

[The prepared statement of Mr. Jones follows:]

**Senator Mark O. Hatfield**
**Pioneer Courthouse, Rm 114**
**555 SW Yamhill**
**Portland, Oregon 97204**

**June 1, 1988**

**Dear Senator Hatfield,**

I would like to take this opportunity to voice my most heartfelt appreciation and support for the National Wild and Scenic Rivers legislation which you have proposed. Oregon's rivers are have long been recognized by Oregonians as being one of our most valued treasures, and this legislation is a positive step in a process that will serve to preserve these treasures for all Oregonians – now and in the future. I would however suggest that this bill contains several glaring omissions which are found in the House bill. These are the Sandy River, the North and Middle Fork of the Willamette, Steamboat Creek, and most notably, the Upper Klamath River – a river which is in serious jeopardy of being lost to the City of Klamath Fall's Salt Caves Dam project.

As you may be aware, The Upper Klamath currently meets all requirements for Wild and Scenic status and has been recommended for protection by the Bureau of Land Management. It supports Oregon's most renown wild trout fishery as recognized by the Oregon Department of Fish and Wildlife and it possesses outstanding scenic, natural and recreation values worthy of protection as recommended by the Oregon Parks and Recreation Division. I have hiked, fished, and grown to love the Klamath river in many ways, yet it is as a professional river outfitter that I am most familiar with it. I have made over 300 trips down the Upper Klamath over the last six years and have gotten to know it quite well. You could say that every rock and wave is like and old friend, or and old adversary depending upon the situation. I have made my home in Southern Oregon because of the Upper Klamath, and have built my business, my life, and many of my friendships around it. There are probably many others here today whose stories are similar.

Among river professionals, the Upper Klamath is considered to be among the top ten whitewater rivers in the U.S. It is known to be one of only two rivers in its class on the west coast which is raftable during the summer. In years of low rainfall such as that being experienced in the Western U.S. this year and last, the Upper Klamath is the only Class IV -V stretch of river available on the entire West Coast. During the past seven years, recreational boating on the Upper Klamath has grown from being nonexistent, into a thriving multi-million dollar bonanza supporting nearly 30 outfitting businesses and hundreds of non-commercial interests. It has become an area of regional importance and irreplaceable value, certainly one worthy of a Wild and Scenic designation.

After learning about the Salt Caves dam, the reactions of my clients have ranged from sadness to rage. All have questioned the need for such a project at the expense of the painfully obvious assets which the river provides the area. Most of my clients have traveled hundreds of miles, some thousands, to get to the Klamath and enjoy it's fishing, it's whitewater and it's beauty. I have taken down visitors from every state in the union and from several foreign countries. Were it not for the river, most would never have come to Oregon. I venture to say that none would have come to view a concrete canal, a dam or powerhouse.

I don't think that we are asking for too much. This section of Oregon's Klamath is less than eighteen miles in length. The remaining stretches of Oregon's Klamath are already hard at work supporting three hydropower facilities and seven dams – dams which supply electrical energy and irrigation water for the Klamath Basin, and several lakes for recreational use. As it stands, everyone gets a slice of the pie - irrigation, wildlife, recreation and power production. In fact, Oregon's current utilization of the Klamath represents a rare example of the true non-conflicting, multi-use of a precious natural resource and should be viewed as a delicately balanced and efficient model for future land use planning. This balance would be grossly altered should the Salt Caves dam be built. A Wild and Scenic designation would prevent this mistake.

I understand that including the Upper Klamath in your bill is a difficult political decision given the controversy now surrounding it. There is no doubt that the Klamath Basin is facing an economic crisis and that new sources of revenue are needed. Almost every area of the Pacific Northwest is facing similar problems. Current economic trends in the Northwest have made us all afraid for our jobs, the survival of our communities, and the survival of our families. An unfortunate side effect is that such fear oftentimes brings about rash decisions in our zest to reverse the trend. I applaud the citizens of the Klamath Falls for their efforts to find a way out of their economic problems. However, the Salt Caves project is a narrow-sighted and selfishly conceived idea which will benefit a few at the expense of the entire region. Such stop-gap measures are often proposed which look good for the short term, but when thoroughly examined, can spell disaster for the future. Independent analysis of Salt Caves regional cost/benefits have determined that Salt Caves is barely a break even prospect even before recreation losses are taken into account.

In addition, the fallacy of relying on power forecasting as a hedge against economic downturns, has been dramatically illustrated by the disastrous $160 million dollar losses experienced by the communities and power companies which invested in the WPPSS project. I find it difficult to believe that the city's advisers can predict future power demands any more accurately than the public utilities did in Washington. The Northwest Power Planning Commission has stated that Salt Caves is unneeded and a poor site for hydro development given the loss of the fishery.

The investors and political proponents of the Salt Caves dam have said that Klamath Basin jobs will be lost, taxes will increase, future businesses will by-bass the area in search of greener pastures, and that their children will abandon the area for opportunities found elsewhere and unavailable here. Well most likely they are right. These thing will happen in Klamath as surely as they are happening elswhere in the Northwest. The fallacy is that somehow "Salt Caves" is going to stop all of this. The dam proponents have shouted their doomsday message loud and frequently from the moment that they invested their first dollar and are they hard to ignore. When controversy reigns, economic fear can be a potent weapon. While purporting to voice a message based on fact and substance, their statements have been plagued with vagueness and misinformation, and have changed almost daily depending upon the public mood. Being a veteran of numerous dam-versus-river political battles in other areas and in other states, I have seen these same selling techniques replayed time and again.

There is also no question that the cause of many of our economic problems is directly related to our regions great dependency on timber and agri-business which has, for some time now, been in a sharp decline. Industries other than timber and agriculture are desperately needed. I do firmly believe that the Klamath River should be used for the region's economic benefit. But not as an economic quick-fix hydroproject of questionable value. The true value of the Klamath lies in it's vast and virtually untapped tourist potential. If the river must be developed there is no question that recreational development is the least destructive, most environmentally sound, and in the long term, the most economically profitable course of action.

From what was once regarded by most Oregonian's as a necessary nuisance, tourism has gained recognition as the third largest industry in the state behind timber and agriculture and it is the fastest growing industry in the state. In simple terms, tourism in Oregon has and does mean jobs, new jobs, and more jobs. In addition, the potential tourist related economic benefits and growth for Oregon are simply mind-boggling. It speaks to the enormous payoff that results from the preservation of Oregon's natural resources such as the Klamath River. Southern Oregon, by its sheer diversity and abundance of natural recreational opportunities, and by it's immediate proximity to California which houses the largest and most recreational minded population in the U.S.; has the opportunity to take full advantage of the economic potential of it's recreational resources. There is little doubt that Oregon is crossing a new frontier in the area of tourism. And in Southern Oregon, the Klamath River is a golden opportunity to provide the region with an outstanding attraction - one which is already thriving without any significant support, monetary or otherwise from local, state or federal officials. And of course, without a bond issue, a dam project or a disruption of fish habitat. In fact, for reasons beyond my comprehension, the Upper Klamath's booming multi-million dollar recreational industry has been largely ignored by Oregon leaders. It should be said also that the dam's lifespan is projected to last only 50 years. The recreational tourist trade in Klamath Canyon and its generated dollars will continue for as long as the river flows freely and people still need a place to relax and have fun.

It is often times very hard to imagine the distant future and how our actions today will affect our children and our grandchildren. However one thing is clear. Long after the Klamath's many dams have become uselessly filled with silt and their expensive power turbines sit idly collecting rust, and long after the profits have been gleaned and the profit makers have been laid in their graves, Oregonian's will still feel the urge to catch a wild trout, hike through an untamed wilderness, and test themselves on a wild and woolly stretch of whitewater. This is what Oregon and Oregonians are all about. My hope is that there will still be a piece of real Oregon left for future Oregonians, and that they won't have to go to California to find it.

As time passed and many of us stood idly by, our country which was once covered by thousands of miles of magnificent free flowing rivers, has been reduced to a land covered by a multitude of stagnate reservoirs and holding ponds. Some of these dams were necessary for flood control. Others were necessary for needed power production. Still others were necessary for agriculture. However, a great number of dams have been built as political pork barrel projects and for corporate and municipal profits. Mere profit and political posturing should never be used as the primary basis for what amounts to the wholesale destruction of our public lands and our heritage. Once a dam is built, it is too late to turn back. The damage is done and the river, with its enormous potential, will be gone forever.

More often than not it seems, public policies are forged on the basis of emotion and political posturing rather than plain good sense. I urge you to examine the true facts relating to the Klamath River. If this is done I have no doubt that your decision will be as obvious to you as it is to me. Let's designate the Klamath as Wild and Scenic River. After all, that is exactly what it is.

**Sincerely,**

Joe Willie Jones

**Joe Willie Jones**
**Headwaters River Adventures**
**P.O. Box 1086**
**Ashland, Oregon 97520**

Senator HATFIELD. Thank you.

## STATEMENT OF DANIEL KELLOGG, THE SIERRA CLUB, GOLD HILL, OR

Mr. KELLOGG. My name is Dan Kellogg. I live on a family farm not far from here on Sardine Creek.

Thank you, Senator Hatfield, for working to preserve Oregon's heritage by protecting our rivers. This kind of legislation will allow future generations to know Oregon as it was known by our forefathers.

I was particularly pleased to see the Upper Rogue River included in this legislation. The magnificent ancient forests line the banks of this stream deserve the protection this bill would give them. The Upper Rogue reminds me a lot of Motolius River, which is well known in northern Oregon. I'm really pleased to see it in the bill and I hope the upper 6.6 miles of this are designated wild as it clearly deserves this designation.

In reviewing the Siskiyou National Forest plan I became aware of the importance of the Elk and the Chetco River to Oregon's fisheries. I strongly encourage you to include these two rivers in this legislation.

Living here in the Rogue Valley, the popularity of white water recreation is obvious. One is lucky to get a permit to run the wild and scenic lower Rogue. This river is booked solid all season. Protecting the Upper Klamath would maintain the supply of this kind of quality experience that is essential to attracting tourists to this region.

I hope I'll get a chance to visit all the rivers included in this bill someday. It's passage will ensure that they will be worth visiting when I get there.

Thank you for introducing this legislation.

I'd also like to add, as Assistant Conservation Chair of Oregon Chapter of Sierra Club, that the Klamath, Upper Klamath River is our highest priority river for protection in Oregon.

Thank you.

Senator HATFIELD. I would like, before this panel leaves, again to ask for information because I think this panel raises a very serious issue regarding the importance of the Upper Klamath and the support for the Upper Klamath by significant numbers of people.

The Scenic Wild River Act was enacted in 1968 at the federal level. The State of Oregon enacted a Scenic Wild River program in 1972.

The first question I have for the record is, was the request to the legislature to designate the Upper Klamath first made in 1987 session or in a previous session?

Mr. HAMILTON. The request was for a study, Senator Hatfield. As I understand the process, and this took place in 1987. It was after, it was in the fall of 1987. It was at the conclusion of the 1987 session, but the request was made for a study to determine whether or not the Upper Klamath met the criteria and set by the State Parks Division, Department of Transportation. The Transportation Commission, as I understand it, is the governing body of that particular, that particular department.

It's rather complicated. I was told that there were three things that happened.

Senator HATFIELD. What year was that?

Mr. HAMILTON. That was 1987, the fall of 1987. Prior to that time—I'm sorry.

Senator HATFIELD. What was the finding?

Mr. HAMILTON. Again the response in letter form to the Board of Commissioners, this is all very complicated by Oregon land use laws, it involved also LCDC which is now challenging the decision made by the Board of Commissioners, and I was consenting vote on that particular decision, now challenging that decision to allow for some level of hydro development on the Upper Klamath. But that aside, both of the director of the Department of Conservation, Land Conservation and Development in the State Parks Department encouraged the board to resolve the issue of scenic designation by requesting, they said that we would act upon a request, initially they said this, we would act upon request by, by requesting a study.

That request was forwarded, duly forwarded to the state. There was in my opinion something of a turnabout in terms of the bureaucratic administrative decisionmaking. And I think encouraged by Governor Goldschmidt, quite frankly who did not, as you have said, did not want to interfere with the process at this point in time, maybe later after the third process took place or this process took place.

At any rate, we were told at that point, the board was told in a letter I could forward that record to you, that while the Klamath, I believe I'm almost quoting verbatim, that while the Klamath met the standards for scenic designation, a formal designation would be put on hold until these other processes took place.

That's the first time, and that's, as I say, within a year that I know of that a formal request was made by the Board of Commissioners for state scenic designation.

Now under the process that Senator Bradbury is familiar with, House Bill 2195, I believe it was, the Klamath was discussed as a possible river to be included in that inventory state designation and was dropped for precisely the reason you are talking about. That it was feared that designation under, this is during Govenor Atlyeh's administration, would jeopardize his approval of the state inventory scenic rivers. Am I correct?

Senator HATFIELD. 1987 was the first official effort made to get this protection under the state program?

Mr. HAMILTON. First that I'm aware of.

Senator HATFIELD. Now when was the project that is being tossed around here first announced publicly to the people, with the understanding that there would be serious thought given to the steps on such a project on Upper Klamath?

Mr. HAMILTON. It was announced prior to my election in 1982 by perhaps six months to a year. The project has been on the drawing boards of Pacific Power and Light and other entities, prior to that, in fact.

Senator HATFIELD. About ten years maybe?

Mr. HAMILTON. Well, the first, there are two application, application cycles. The first application with a different dam site for the one being considered now fell short of state approval, at least preliminary approval and dropped from consideration. But that first application process began, I believe around, the City of Klamath Falls official here could be more accurate about this probably, but in 1982 or 1983 by my memory, so that's almost six years ago.

I think my frustration with this issue and some of the frustration represented here by your saying we've got to let this process take place, is that a lot of us have been seeking protection for that river personally for a long time. And it seems like it will be an endless cycle of application and counter-applications and, you know. I think you're witnessing some of this frustration, on my part at least.

The other issue as far as state designation versus federal designation is concerned, this primarily, this Bureau of Land management with the exception of some small parcels of Pacific Power and Light ownership. It's a combination of those two. Of course the state claims the river as a navigable stream, so the state claims the river bottom on the river bed. But it seems appropriate to go to the federal designation process because of that Bureau of Land Management and ownership and they rank this particular scheduled river very highly in their scenic——

Senator HATFIELD. Notwithstanding those specific descriptions of specific processes, I understand that this project has been publicly noted as a part of the public discussion for about a ten year period. Does that sound correct?

Mr. HAMILTON. That sounds accurate to me.

Senator HATFIELD. Therefore in that ten year period, let's say dating back to 1978, do I understand that it was not until 1987 that an official effort was made to designate some protection for the Upper Klamath?

Mr. HAMILTON. Let me go back again to the land use process. In 1983 and 1984, we received acknowledgment of our state land use plan. In that acknowledgment process the Klamath River was protected by majority of the Board of Commissioners one sees in the language of Goal 5, one sees to the resources. That was the level of protection achieved at that point.

It was my understanding in order to comply that came down to my board, and I was chairman of the board at the time, it was my understanding that that level of protection actually would protect the river against further hydroelectric development for that stretch. And I challenged the Land Conservation Development Commission to either put up or shut-up, so to speak, on that particular protection.

They did that in the form of a letter from Jim Ross, which I will also forward to you for the record, director of the Land Conservation Development Department, reinforcing an order to comply and contending that yes, that level of protection was necessary.

The same reasoning that you're talking about in terms of the hydroelectric proposal was used by the Land Conservation and Development Commission that, that in order for the scenic waterway process to be allowed to continue, no action should be taken by the Board of Commissioners to allow hydro development which would preempt the scenic process, if you understand.

I think following this whole issue, or essentially this whole issue is understanding that a hydro dam is irreversible in terms of its impact.

Senator HATFIELD. Wait a moment for further questions until the court reporter has a chance to recharge her machine.

All right.

Mr. HAMILTON. Well, to answer your question again, the reason why the Board of Commissioners felt there was no reason to make a formal request was that I certainly felt that, and the current board is no longer present, but I certainly felt at the time that that protection was established by the land, Oregon's land use laws and by our adopting our comprehensive plan.

Whether or not formal efforts were addressed to the legislature to establish scenic designation, I'm not aware of it until last year.

Senator HATFIELD. All right. One last question. Was there at any time during this ten year period during which the state Scenic Wild River protection was in place and the Federal System was in place, any effort made to have this Upper Klamath designated through the process of Section 2a by the Secretary of Interior? Was such a request made to the governor in the legislature of the state?

Mr. HAMILTON. Not that I'm aware of.

Mr. JONES. If I might interject here a moment. I think you will find also that during this ten year period here we're discussing here during the time that Pacific Power and Light actually had plans for the dam, economic factors at the time were not such that it was a justifiable expense for them to get into that project.

Reasonably I think on the part of the river outfitters and the other people interested in the river, didn't feel it was particularly necessary to get involved in a discussion or go through the process to try and get this river protected because at the time there wasn't a serious desire on anyone's part to dam the river until the City of Klamath Falls got involved. At this time we felt it was necessary for us to get more heavily involved in the issue.

Senator HATFIELD. I thank you.

We've got a contribution from John Lilly from the State Parks and Recreation division adding to this history. I would invite Mr. Lilly if he could supply the committee with perhaps a brief history—

Mr. LILLY. We'd be glad to do that, sir.

Senator HATFIELD. From the perspective of the state, I raise these questions only to build for the record to educate myself on what's happened more locally. I sense sort of a crisis attitude by many of the witnesses about this whereby if it doesn't happen now, it's doomed; whereas from my perspective, if I hadn't introduced this bill, where would we be on the Upper Klamath? We obviously, I see, have not taken the action open to protect it through federal designation. For 20 years we have had the federal law and in ten years this activity relating to a project has been a public issue to one degree or another. I appreciate that sometimes we don't realize these things until there is a vehicle out there that calls attention and brings a focus.

I'm sure the Commissioner has had that in his public life. I'm not being critical. I'm saying I'm glad I created a crisis in order to expedite the procedures here and to get the public clearly informed and get this out into a broader base discussion, because the Upper Klamath doesn't belong to the people of Klamath Falls. It belongs to all the people of Oregon. But I do want to say that as much as I appreciate the testimony, I don't want to become the target here or the focal point whereby if I don't take some action the whole thing is going down the tube.

I realize the importance of my role and the responsibility now that I've raised the issue. I'm not trying to divest myself of that. All I'm saying to all of you folks who feel this so seriously, is that there have been few previous times that action could have been put together to protect the river.

Also, this isn't the last train out of Shanghai as far as protecting the Upper Klamath. This process and various other things can come together or you can initiate actions today as a parallel action as you have been doing by urging me to include it in my bill. This is very welcome testimony. On the other hand, if I were in your shoes, I would pursue every avenue that's open to you. And you do have other avenues—1989 legislature, for example, or asking the governor in the legislature to ask for federal designation. I just want to delay fears that maybe this is your one and only chance to protect the river. It's not the last chance with me.

Ms. McKAY. Senator Hatfield, could I just add that although this dam has been on the drawing board, as possible project for some years——

Senator HATFIELD. Excuse me, could you identify yourself for the record?

Ms. McKAY. Oh, Michele McKay. It's only been within very recent years that recreational value has been appreciated and really developed. And——

Senator HATFIELD. I understand.

Ms. McKAY. It's growing rapidly now. And I think now people have——

Senator HATFIELD. And its economic assessments have come into a more specific focus. I can understand this.

I just want to let you know that there is no last hope here being determined.

We will have a ten minute recess.

[Whereupon a recess was had.]

Senator HATFIELD. At this time I would ask Mr. Allyn Ford, Mr. Bud Johnson, Mr. Russ McKinley and Mr. Charles Barber.

At this time I'd like to recognize Miss Shirley Blayne, who is our reporter. Let me assure you this is no easy task that she's performing. This provides us with the written record for this hearing. And those who wish a copy of that written record, once it has been printed, may indicate by leaving on a card with the staff your name and address. And once that record then is available we will be happy to send you a copy of it.

Gentleman, you may proceed. We are missing someone.

Mr. JOHNSON. Mr. Russ McKinley couldn't make it today.

Senator HATFIELD. All right, please proceed.

## STATEMENT OF ALLYN FORD, ROSEBURG FOREST PRODUCTS, ROSEBURG, OR

Mr. Ford. Senator, my name is Allyn Ford. I'm Vice-President of the Roseburg Forest Products in Roseburg, Oregon.

I'm here today to comment on the North Umpqua River and the Steamboat Creek. The North Umpqua River corridor is a very important river system. It has obvious scenic, fishery, water resource values. It also plays a major commercial role in our county and state economy in comparison to many of the other rivers under consideration here today.

Highway 138 is a major ease-west route, runs throughout the corridor within a quarter mile of the stream source. There is a tremendous mile volume of logging traffic moving the finished products both agriculture and forest from eastern Oregon to the I-5 corridor. It's also a major tourist group. It's a tremendous amount of tourist traffic both from eastern Oregon, from Crater Lake to the I-5 and to the Oregon coast.

The county in cooperation, also with the Forest Service of Bureau of Land Management has developed a tremendous number of camp sites and picnic areas. It is also in the heart of the Umpqua National Forest where represents a major timber base.

My point is, I have no question at all whether or not the North Umpqua represents a recreational stream. The question is is the need for scenic, the recreation designation on the Scenic and Wild River Act, is that the best way to manage the river.

Most people would agree that since 1968 there has been a cooperative effort between the county, the Forest Service and the Bureau of Land Management and in effect today that the river is being managed in basically the same manner that would be the case under the recreational designation.

It may be a matter of local pride but I think there is also some practicality that we are concerned about adding another layer of bureaucracy and law on top of existing level.

The Umpqua, the Umpqua River because of it's complexity must be managed. It has a tremendous amount of conflicting resource activities underway and needs that underground approach.

So, and I am also very much concerned about the question of the law. I think we've had some very questionable interpretations of the law, especially from our friends down in the Ninth Circuit Court. And as we go through these conflicts and resolve these conflicts, we need to have the best thinking possible. And it's my concern and opinion that the best way is to leave it to our local control.

Thank you.

Senator Hatfield. Thank you.

## STATEMENT OF E.P. "BUD" JOHNSON, C&D LUMBER CO., RIDDLE, OR

Mr. Johnson. Good morning, Senator. Is good to have you in southern Oregon again.

Senator Hatfield. It's good to be here, thank you.

Mr. JOHNSON. I also want to address the North Umpqua and Steamboat Creek. And I guess philosophically I agree with Bill Vian.

Senator HATFIELD. Excuse me, would you state your name again for the record please.

Mr. JOHNSON. I'm Bud Johnson. I'm president of and General Manager of C&D Lumber Company in Riddle.

I agree with Bill Vian who feels that the BLM, the Forest Service and the county have done a good job of protecting the North Umpqua River managing it in a manner very similar to wild and scenic designation. I guess in reality, I'm not concerned about officially how its designated. I am concerned about the implications of being designated.

I think one of the best ways to express my concern is to quote from a guest editorial in the Portland Oregonian on March 20th, by Gerald Paren of Enterprise. He says the recent blanket appeal of timber sales by the Oregon Natural Resources Council has helped focus attention on a problem that has been growing for a number of years. The irresponsibility shown by most environmental groups and example is the preservation influenced management of the Hells Canyon National recreation area in northeast Oregon.

When Congress passed enabling legislation to establish the recreation area, it's member saw the need to protect existing uses, including timber harvest. But as a result of the preservationist pressure, the historic timber harvest levels in that area have been reduced by 59 percent.

Now, I certainly want the North Umpqua protected and if it is going to become a wild and scenic river I would certainly encourage you to put in whatever language is necessary to assure that the timber resource that is above the corridor itself is preserved.

The other issue I'd like to deal with is Steamboat Creek. And the best thing that I can say there is to follow the recommendation of the Umpqua National Forest. They state that although the North Umpqua River does meet all of the standards for wild and scenic designation, Steamboat Creek presents a different situation. It is an important stream in terms of its anadromous fishery. The stream collects an old salmon run steelhead in deep pools. It has been shown that harassment and disturbance of the fish is detrimental and will cause losses which will lead to reduced fish runs.

The Umpqua has recognized its importance and in conjunction with the Oregon State Department of Fish and Wildlife, have adopted the following management directions. Prohibiting angling, prohibiting mining and prospecting, even recreational mining, discourages recreational usage through the lack of recreation improvements.

The management direction is to protect the fishery and monitor fish counts and it is the primary spawning area for the magnificent fishery of the North Umpqua and I certainly hope it can remain as it is.

Senator HATFIELD. Thank you very much.

## STATEMENT OF CHARLES BARBER, SMITH RIVER, CA

Mr. **Barber.** I am Charles W. Barber, Chief Forester for Reservation Ranch in nearby Smith River, California in Coos Bay, Oregon.

Our company has been very interested in the preservation and enhancement of the Smith and Chetco Rivers water fisheries. Annually we sponsor a fishing derby which benefits the Step Program on the Chetco River as well as rivers in California.

I live in Brookings, Oregon and use the Chetco River for fishing and water recreational activities.

Although some multiple-use will be available in wild scenic and recreational sections of proposed Chetco, and Smith River, these uses will be restricted. It is my estimate that these designations could reduce timber harvest by one millon board feet per year on the Chetco Ranger District. I witnessed such reductions when the Smith was placed in wild scenic designation recently, I believe it was 1978.

While this may not seem like much volume, it is another reduction that adds up with the losses with wilderness designations, forest planning reductions, we face over the past five years.

That brings me to the forest planning process. The timber industry supported the supplemental resource designation for the Chetco, North Fork of the Smith, Elk and other streams on the Siskiyou National Forest. This scheme of management protects in a preservation status, one-eighth of a mile on each side of these rivers and streams. We supported this management because we wanted to protect these areas and preserve the water and fisheries.

I submit to you that these rivers are protected by this management, by visual quality management, wildlife areas adjacent to these rivers as well as protected by the wilderness Kalmiopsis wilderness area which takes in the wild section to these designated rivers.

I do not believe that designations will do any more to save this river, these rivers or change its use by recreationists. Indeed, it will either stay the same or because of its national importance will be increased. The use will be increased and therefore more degradation may occur.

Forest plans shows its rivers inventory in supplement appendices Volume 2, underneath section E-14, and it describes the Chetco River and it explains in so many sentences, if you check on this, that it really doesn't, is not used by people from outside of the area.

The Chetco is basically used by those people in Brookings. When I go to the river, I meet my neighbors and friends. I don't see people from New York or southern california or other people. I see local folks.

Finally, more study is needed to economic impacts and benefits of such a designation of these rivers before we decide what should be done with them.

I appreciate your time, Senator, thank you.

Senator **Hatfield.** Thank you very much, gentlemen.

Mr. Rob Boler, Mr. Carl Backstrom, Mr. Bob Hunter, Mr. Jim Johnson, Mr. Joseph Merchep and Mr. Dave Nadal.

You may proceed.

## STATEMENT OF BOB HUNTER, ROGUE FLYFISHERS, MEDFORD, OR

Mr. **Hunter**. Hello. Good morning, Senator Hatfield. My name is Bob Hunter. I live in Medford, Oregon and I'm here representing today the Rogue Flyfishers which is a non-profit organization, consisting of over 120 members, mostly in Jackson-Josephine Counties.

The Rogue Flyfishers are dedicated to protecting and diverting and enhancing the Oregon's water and fishery resources.

First I'd like to commend and thank you, Senator, for your leadership and foresight in proposing landmark legislation for protection of some of Oregon's most outstanding rivers. They are not only state treasures but national treasures as well, worthy of this type of protection.

Also would like to thank you for holding these field hearings down here in southern Oregon. Give the citizens a chance to participate in the process.

The Rogue Flyfishers strongly support wild and scenic designation for the rivers in your bill S. 2148. We strongly support your efforts to see this proposed legislation become reality. I would like to specifically state as far as some some streams in southern Oregon, I think the Upper Rogue proposal is a very fine proposal. That section of the Rogue is the gateway to Crater Lake National Park. Has a tremendous scenic value. It's used heavily by people who hike in the area, spances of that portion of the river is canoe and its just wonderful, special place for some very special attractions, their with the original natural bridge.

Also, the Chetco River, its just one of the finest steelhead salmon streams in southern Oregon. It's heavily used by many people in this area and come from all over to fish it. It's well known for its extremely large steelhead and salmon.

The Elk River is one river not included in your bill, has been mentioned here earlier, is also one of those coastal rivers that are heavily used by people in this area. And its well known for its fine fishery.

Would also like to mention that of the streams proposed, I know that many of the club members have fished many, many of the streams. I personally have either fished, hiked, camped or floated 17 of the 40 rivers proposed. And I feel all 17 of those are very worthy of this type of protection and status.

I'd also like to quickly mention that the Klamath River, I realize your feelings in that regard, but is also a river worthy of protection as well as these others. Its just a very, very fine stream, beautiful canyon and it's something that is worthy of this legislation. It's one of the finest fisheries of native trout in Oregon.

Would also like to quickly mention that there is, not only does this bill preserve the pristine nature and quality of Oregon rivers in future generation, I think there are some positive side affects. I think in the future these streams and quality of Oregon's natural resources is going to be more and more of a rare comodity that's going to bring people in the state for tourist dollars.

Thank you.

Senator **Hatfield**. Thank you, sir.

## STATEMENT OF CARL BACKSTROM, JR., NORTHWEST STEELHEADERS ASSOCIATION, GRANTS PASS, OR

Mr. **Backstrom**. Welcome Senator.

Senator **Hatfield**. Thank you.

Mr. **Backstrom**. My name is Carl Backstrom. I live in Rogue River at 2700 Rogue River Highway. I'm president of Mid-Rogue Chapter of the Northwest Steelheaders and a member of the S.T.E.P. Advisory Committee, Oregon Department Fish and Wildlife.

I want to thank you for the opportunity to appear before you to state that we are in favor of Senate Bill S. 2148. We salute you, Senator Hatfield, for this leadership in introducing the Omnibus Oregon Wild and Scenic Rivers bill that will protect Oregon's beautiful rivers.

I was born and raised in Massachusetts in 1921 and never did see an Atlantic Salmon in her streams, even though years before they were numerous. These rivers were open sewers due to factories, cities, and towns dumping all their waste into them. Dams were built with no fish ladders because they were not needed.

My first visit to Oregon was in the late 1960's. And finally moving here in the mid 1970's. After seeing the pristine waters of our state, I decided to do my part to preserve them. Our Steelheaders are involved in many enhancement projects throughout the mid-Rogue area. We raise nearly 500,000 steelhead and salmon fry in local streams annually. All of this is done by volunteers and we now include two schools.

Our chapter recommends that Bill S. 2148 include the Rogue, the Elk, the Chetco and the Umpqua Rivers.

The Mid-Rogue Steelheaders feel these waters need the protection of Senate Bill S. 2148. Let's get this necessary legislation passed so that the future generations may enjoy these same waters.

I thank you very much.

Senator **Hatfield**. Thank you very much.

You followed the trail of your ancestors coming out of Boston and other parts of Massachusetts in the 1830's and 1840's.

Mr. **Backstrom**. Is that right?

Senator **Hatfield**. Yes. Jason Lee came out and led the party that established the first settlement in the Willamette Valley.

## STATEMENT OF JOSEPH J. MERCHEP, UMPQUA FISHERMEN'S ASSOCIATION, ROSEBURG, OR

Mr. **Merchep**. Good morning, Senator Hatfield.

Senator **Hatfield**. Good morning.

Mr. **Merchep**. I'm Joseph J. Merchep, President of the Umpqua Fishermen's Association from Roseburg, Oregon. Our organization has a membership of approximately 400 members. And is dedicated to the preservation, restoration and enhancement of the trout, salmon, steelhead population in the entire Umpqua River system. And to greatly increase the annual run of salmon and steelhead by the year 2000.

Our organization strongly supports your Senate Bill 2148 and we appreciate the introduction of this legislation.

We strongly recommend the following four streams, the Umpqua River systems be included under S. 2148. First in North Umpqua River from Rock Creek up to the Soda Spring Powerhouse as a recreational stream. This river is already in your bill.

Secondly, Steamboat Creek and its major tributaries from headwaters to the confluence with the North Umpqua River as a wild stream. We definitely want to see this included in because it is the feeding ground, the spawning ground for our great summer steelhead run, which we had about 20,000 last year.

Number three, we would like to see the inclusion of the South Umpqua River from its headquarters to the confluence of the Jackson Creek as a recreational stream. As well as number four, Jackson Creek from confluence with South Umpqua River to headquarters as a recreational stream.

The reason we'd like to see the South Umpqua and Jackson Creek, these are two very nice streams that have not received the recognition we think they should receive. We are trying our best to give them some publicity. They're going to be prime fishing streams for both fall, winter steelhead, and steelhead. And we feel that they're very great opportunity for recreational streams as well as for tourist industry. So we'd like to have a study on these and like to have those considered.

We strongly thank you for the support you have given the overall water resources in Oregon such as Galeville Dam and other portions and strongly would like to see all four streams introduced.

Senator HATFIELD. Thank you.

## STATEMENT OF JIM ROGERS, INDEPENDENT TROLL FISHERMEN OF OREGON, CHARLESTON, OR

Mr. ROGERS. My name is Jim Rogers. I'm pinch-hitting for Jim Johnson, who is testifying today at the Klamath Treaty Agreement negotiations in Eureka, California. Mr. Johnson is the President of the Independent Troll Fishermen of Oregon, a cooperative representing some 250 commercial salmon trollers in Oregon, northern California and southern Washington.

We want to thank you, Senator Hatfield, for introducing this extremely important legislation. We believe this bill will have far reaching benefits in protecting fisheries habitat. We pledge our full support toward achieving its successful passage.

Our members are very much concerned regarding the future of the Elk River fisheries. This fishery is extremely valuable to the coastal economy. According to figures compiled by the Oregon Department of Fish and Wildlife, the average annual value to the regional economy of a Chinook salmon produced in Elk River, both hatchery and wild, and caught in commercial troll fishery is approximately $1 Million. This figure is based on the conservative value of nine pounds per fish and $1.90 per pound. It includes a very poor El Nino year catch. The value, especially to the Port Orford community, of the extended Elk River troll season, as calculated by ODFW to be approximately $100,000 per year. It's quite likely that the ocean sport fishery and the sports fishing along the river and the salmon return to spawn, effectively doubles this figure.

It is absolutely imperative, Senator, that this fishery be guaranteed total protection.

Your farsighted action to protect the Elk's fishery by placing the north side of the river in the Grassy Knob Wilderness area is deeply appreciated. But while this offers a great deal of protection to the mainstem and several very important tributaries, it doesn't protect the upper portions of the river, especially the North and South Forks.

According to figures compiled by the Forest Service's Pacific Northwest Forest and Range Experiment Station in 1985, the South Fork of the Elk was producing 10 percent of the Chinook and 22 percent of the Coho in the entire watershed. The North Fork was producing 12 percent of the Chinook and a whopping 30 percent of the Elk's Coho. In addition, each fork is producing close to 10 percent of the river's steelhead.

According to the Siskiyou Forest Plan Drafted Environmental Impact Statement, quote, "The PNW crew described the area as being one of the most productive found anywhere in the state', end quote. They also found the area to be extremely unstable. Massive slides have occurred in the past, most recent after the 1910 forest fires. There are still active slides today even though the area is as yet uneroded and unlogged. However, this area, known as the Copper Mountain roadless area is slated for extensive road construction in logging. According to the Siskiyou Forest Plan, a total of 44 miles of road may eventually be built in the 10,000 acre roadless area. Approximately 80 percent of the roadless area's timber is to be logged.

We have discussed this plan with several members of the study team. They all feel that, if carried out as proposed in the DEIS, the fisheries will quite likely be seriously damaged and could well be destroyed. As stated in the Forest Plan DEIS, quote, "Past harvest activity heavily impacted the headwaters of the North and South Forks of the Elk River in the 1960's and early 1970's.

Thank you.

Senator HATFIELD. Thank you. Let me reiterate, since you have focused on the Elk River, that when we put this bill together, we wanted to start with some kind of uniform criteria that would apply to the initial draft bill. That was determined on the basis of compilng a list of rivers that had thus far emerged out of the forest planning process as indicated by the Forest Service, that had potential for being considered for Scenic Wild River designation, and for those nominated in effect by the BLM.

At the time I introduced the bill I made a statement on the floor of the Senate. In that statement, I took the Elk River and made specific reference to the fact that I felt it deserved hard scrutiny and further consideration over and above what we had included in the draft. But this was all the Forest Service in effect had set up as the list of potential candidates.

So I want to reassure you that we have had as one of our top priorities of expanding the bill, looking at the North and South Fork of the Elk.

Mr. ROGERS. Very much appreciate that.

Senator HATFIELD. Sir.

## STATEMENT OF DAVE NADAL, HALFWAY, OR

Mr. **Nadal**. My name is Dave Nadal. I'm a property owner in the Pine Creek River system in the Wallowa Mountains near the city of Halfway. I'm over here because the Bend hearing at the time I signed up, which was pretty late was already full. And I had the opportunity to come here.

The Pine Creek drainage is sandwiched between the Imnaha River and Eagle Creek systems and drains an area of 294 square miles. Eagle Creek system by comparison drains 184 square miles.

Senator, you can see the maps on the back of the handout that I gave you, along with some of the photographs. I'm here to ask for an addition to the bill which would be the upper portion of my Pine Creek, in addition to 5,000 mainstem.

During the last two months, I've been simultaneously shell shocked and greatful. I've been shell shocked by the problems of the creek and greatful for the opportunity to correct them as this bill presents.

Just one year ago mining activity was limited and the waters of Pine Creek Gorge were pure. Two hydro projects had threatened during the past years but one was defeated and the other faded away. I went over $10,000 in personal debt and spent three years of my life plus two getting out of debt on one of these hydro projects. Now, Pine Creek Gorge is being ruined, at no lie, break neck high tech speed, by open pit strip mining. And these aren't strip minings just ten feet wide by the creek bank. These are two 304 foot gouges into the gorge palisades and things like that over periods of half to a mile in a pit. Its waters are being fouled by the mining waste and the entire mainstem is slated for heavy logging in beautiful pine and fir oldgrowth. This has a wide spectrum of local population up in arms.

S. 2148 may be Pine Greek's Godsend as it certainly is for the streams already included in this bill and it is for me. I can't even begin to express my gratitude for a bill of this type. I hoped there was time but there is not none any more on Pine Creek. This may be the last train out of Shanghai for Pine Creek.

Thank you, Senator Hatfield, and thank you Oregon Rivers Council for this proposed legislation and this opportunity to present a case for Pine Creek inclusion.

Locally, in Pine Creek area, Eagle Creek and Imnaha River are included and those are my favorite streams there. In this area and in western Oregon in general, I like Motolius, Siletz and the Illinois very much and the last of which is my favorite stream, in western Oregon, but I didn't see it mentioned in any of the literature, but I'm just recently acquainted with these things, so there is maybe things going on with the Illinois that are protecting it one way or another.

I proposed for wild creek designation the West, Middle and East Fork of Pine Creek from the headwaters in the wilderness to their confluence with the mainstem. From the point of the mainstem you can go over this. I won't elaborate any more on the details but that's all in there.

[The information referred to follows:]

NOTE! ALL THIS MATERIAL WILL BE RESUBMITTED, INCLUDING PHOTOS, WITH ADDITIONAL COMMENTS FOR 6/15/88 DEADLINE.

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S. 2148

W/ #30

Wild + Scenic River Addition Proposal

ORV: [illegible]
[illegible]

Pine Creek, Wallowa, Baker County

Headwaters, all forks, to
main stem to Canyon

Submitted by:

Dave Nadal
P.O. Box 363
Halfway, Oregon 97834

1) Photos

2) MAPS

3) Outline of Oral
Comments

Grants Pass
June 1, 1988

Pine Valley + City of Halfway as seen from Hills above Snake River. See similar view below to locate the beginning of the proposed wild area (Wild + Scenic) in Pine Gorge as highlighted by the mist. The Pine Creek gorges reach approximately 12 miles from valley floor to headwaters. Carson (see maps) is near where the mist meets the valley floor. Cornucopia is approximately 6 miles up the Gorge from Carson.

mater Winter View at start of the proposed Wild + Scenic sections above Carson. The road leaves the creek here for approx 1 mile.

Typical Gorge scene two miles below Cornucopia.

Entering Cornucopia, Pine Creek main stem arises from the distant canyons where the proposed "Wild" sections of the West, Middle & East forks of Pine Creek originate. Cornucopia is an historic ghost town + location of Oregon's to most production gold town. Cornucopia is also the site of much winter cross-country skiing + snowmobile tourism.

Forest scene in the 1-mile section above Carson. This is a rare, intact lowland forest with Associated heavily braided creek with many large islands, ponds & other wetlands. It is the most lush protected plant & wildlife refuge the author has ever seen in the Wallowa Mt. area. It is imminently threatened. 30% of the forest is slated for logging and has been claimed for open pit strip mining for gold.

View of Pine Valley (see cabin at top left) and Wallowas from top of Snake River rim. The extreme aridity of the S.W slope of the Wallowas highlights the need to protect the few pockets of lush vegetation that still exist. Pine Creek presents this opportunity.

Pine Creek by the bridge above Carson,
showing typically good water quality . . .

HOWEVER . . .

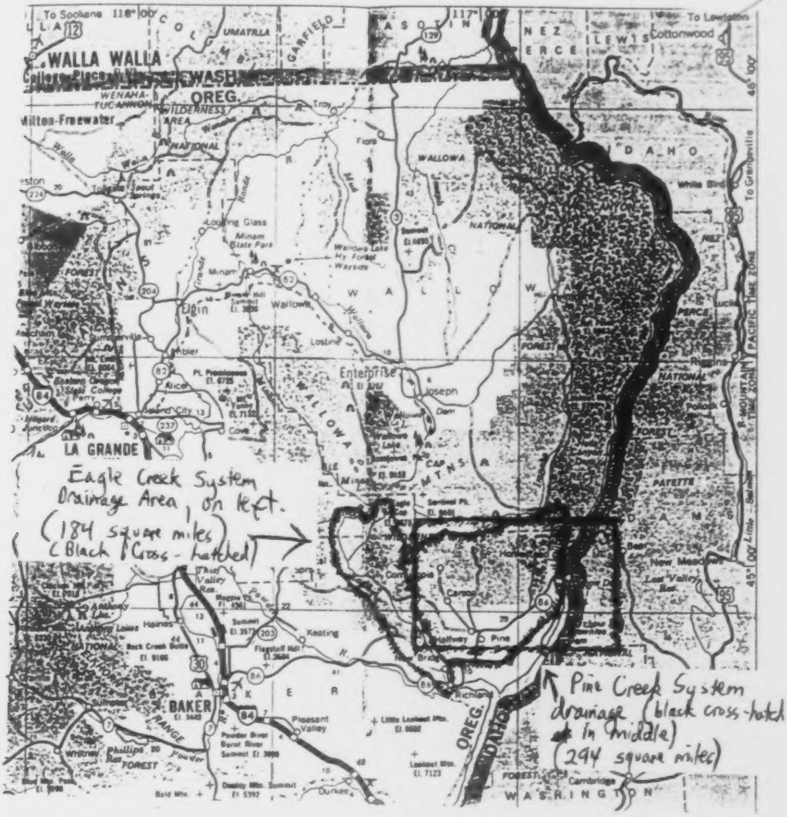
(next page)
→

This photo from the same creek stretch shows what has happened since Bonanza Mines began strip mining large sections of Pine Gorge 2.5 miles upstream. DEQ and DEMI (Geol. + Mineral Invest.) were notified and so far have been completely ineffective in stopping the pollution. The author monitored water quality from Apr. 15 to May 28 and found that calls to DEQ and DEMI brought a day or two of relief in most cases, but that Bonanza began polluting the creek again each time

Bonanza quickly bulldozed [illegible] dirt into the breach (see dark, wet earth) of this holding pond (where it was literally gushing pond material into Pine Creek for long periods) after the author called DEQ. Note the tan color at various places in the creek where the slack water still holds the tan liquid. One week later the author discovered a more obscure route that Bonanza was using to introduce holding pond liquids⊛ DEQ + DEMI superficially + naively believed the mines promise of clean water and their explanations of pollutant sources (runoff + logging) but Bonanza continues to introduce large volumes of holding pond materials into the creek

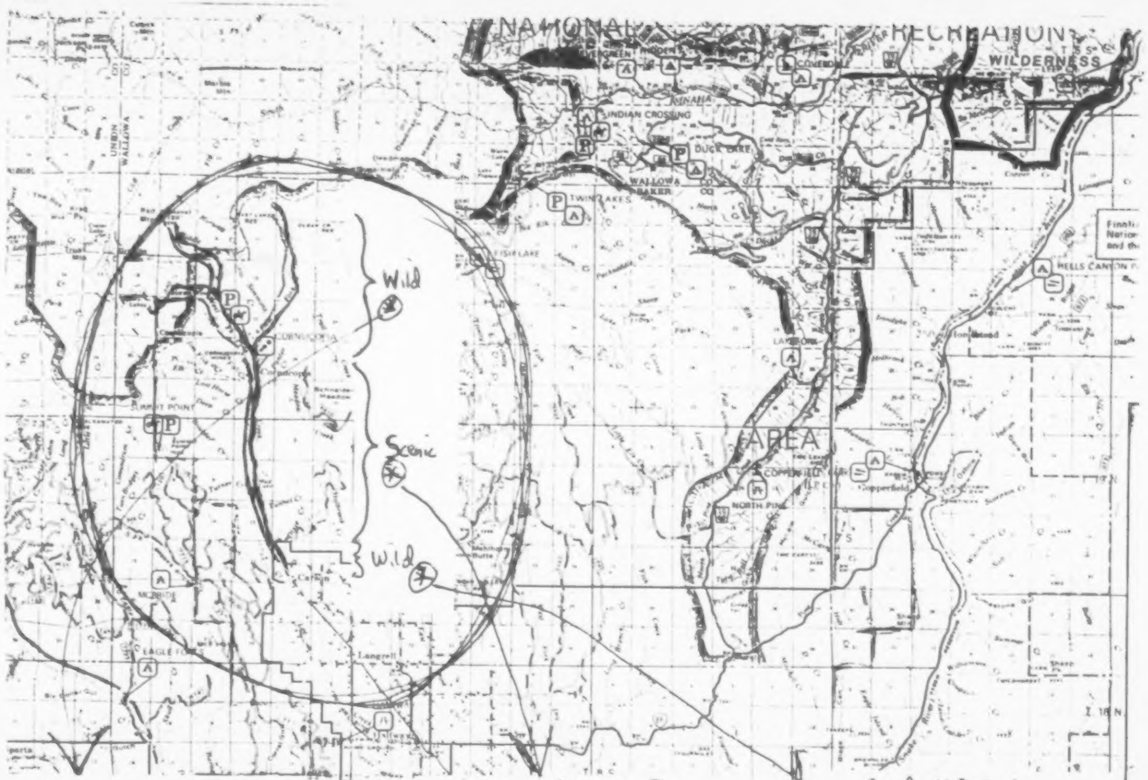
⊛ Photos were taken of this, too.

N East corner of Oregon Wallowa Mts., Eagle Cap Wilderness Area, Wallowa-Whitman National Forest, Hells Canyon Nat. Rec. Area. Inset (blue cross-hatched) rectangle, on S.E. slope of Wallowas shows area ~~[illegible]~~ representede on the following page. Note Eagle & Pine Creek drainage systems, outlined ~~in pencil~~, ~~&~~ also, below.


To Spokane
118° 00'
12
WALLA WALLA
College Place
WASH.
OREG.
UMATILLA
GARFIELD
ASOTIN
117° 00'
129
NEZ PERCE
LEWIS
To Lewiston
Cottonwood
95
46° 00'
WENAHA-TUCANNON WILDERNESS AREA
NATIONAL
Milton-Freewater
Troy
Flora
WALLOWA
NATIONAL
IDAHO
White Bird
To Grangeville
Looking Glass
Minam State Park
Wallowa Lake Hy. Forest Wayside
FOREST
204
Elgin
Minam
82
Wallowa
Lostine
W A L L O W A
PACIFIC TIME ZONE
MOUNTAIN TIME ZONE
Summerville
Imbler
Enterprise
Joseph
Riggins
Pollock
NATIONAL
FOREST
82
Alicel
Pt. Prominence El. 6725
Island City
237
Cove
84
La Grande
Eastern Oregon State College
Hilgard Junction
LA GRANDE
WALLOWA
Wallowa Lake
CAP MTNS.
PAYETTE
Sentinel Pt.
Thief Valley Res.
Halfway
Carson
Pine
Keating
Haines
Anthony Lks.
Rock Creek Butte El. 9106
203
86
30
BAKER
84
Pleasant Valley
Little Lookout Mtn. El. 6602
Lookout Mtn. El. 7123
Richland
OREG.
IDAHO
New Meadows
Lost Valley Res.
95
45° 00'
Little Salmon
FOREST
Cambridge
WASHINGTON
Phillips Res.
Powder
FOREST
Whitney
Sumpter
Dooley Mtn. Summit El. 5392
Durkee
Bald Mtn.
RANGE

Eagle Creek System Drainage Area, on left. (184 square miles) (Black Cross-hatched) →

↑ Pine Creek System drainage (black cross-hatch ~~[illegible]~~ in middle) (294 square miles)


NATIONAL RECREATION AREA
WILDERNESS
INDIAN CROSSING
DUCK LAKE
WALLOWA BAKER
TWIN LAKES
HELLS CANYON
COPPERFIELD
Copperfield
NORTH PINE
SUMMIT POINT
McBRIDE
EAGLE FORK
UNION
WALLOWA
Langrell
Wild
Scenic
Wild

Headwaters of all 3 uppr Tributaries, to confluense w/ Pine Creek - WILD. (ALL MIDDLE, No. + West Forks.

CONFLUENCE TO F.S ROAD 4135 - Scenic

Road 4135 to Carson Bridge — WILD

Outline of Comments

ORAL TEST
6/1/87
Dave Nadal
Pine Creek

I'm Dave Nadal, property owner on Pine Creek in the Wallowa Mountains near the City of Halfway. The Pine Creek drainage system is sandwiched between the Imnaha River and Eagle Creek systems, and drains an area of 294 square miles. Eagle Creek, by comparison, drains 184 square miles. Please see the maps in my handouts.

I'm simultaneously shell-shocked and grateful. Just one year ago mining activity was limited and the waters of Pine Creek Gorge were pure. Two hydro projects threatened, but one was defeated and the other faded away. I went over $10,000 in personal debt and spent three years of my life on one of these. Now, Pine Creek Gorge is being ruined at break-neck, high tech speed by open pit strip mining, its waters are being fouled by mining wastes, and it is slated for heavy logging of beautiful pine and fir old-growth that has a wide spectrum of the local population up in arms.

S.2148 may be Pine Creek's godsend, as it certainly is for the streams already included in this bill, and me. I cannot even begin to express my gratitude for a bill of this type. I had hoped there was time, but there is none anymore on Pine Creek. Thank you, Senator Hatfield, and thank you, Oregon Rivers council, for this proposed legislation and this opportunity to present my case for Pine Creek. Locally, I feel strongly about Eagle Creek and the Imnaha River. My favorite streams in Western Oregon are the Metolius, Siletz and the Illinois, the last of which I find the most remarkable but did not see mentioned in any of the ORC's literature.

I propose for Wild designation the West, Middle and East Forks of Pine Creek from the headwaters to their confluence with the main stem. From the point of this confluence to Forest Service Road 4135 one mile above Carson, I propose Scenic status. For the final one mile, the section from Road 4135 to the bridge above Carson, I propose Wild designation. The rationales for these designations will largely be presented in the written comments due later.

Pine Gorge from headwaters to Carson is a clean, wild stream, free of impoundments. It is a recreational entryway to the Eagle Cap Wilderness with its Lakes Basin and Imnaha Divide trail. As mentioned, native wild and planted trout are in the creek. Hunting is extremely heavy. There are winter cross-country skiing and snowmobiling businesses, including a large snowmobile carnival that bring in tourists. There are also the usual summer businesses of horse, mule and even llama pack companies that guide tourists on the trails. In it is Cornucopia, famous for being a gold mining ghost town with many interesting old buildings. Almost every tourist who visits Pine Valley drive up through the gorge to Cornucopia, including many Hells Canyon users. It's use is growing, partly due to its proximity to the Hells Canyon National Recreation Area. And, as the photos I distributed show, its scenic beauty is endless and, I believe, unmatched in the entire state for its variety and magnificence. Pine Valley is one of Oregon's best kept secrets.

The proposed segments have both native wild and planted trout. Fish to 17" are caught regularly. It is heavily fished. Anadramous runs were ruined by dams on the Snake River. In the lowest mile of the Gorge the creek spills from the mountains onto the valley floor, innundating and braiding on a wide front through an old-growth forest that is a historic and last remnant of the forests that once blanketed lower Pine Valley before it was cleared for farms. It is full of huge driftwood piles, ponds, side-streams and is a significant lowland refuge for many beavers, bears, wildcats, deer, etc. It is now being evaluated for logging and strip mining for gold.

Wild & Scenic status might help us get a handle on some phases of the mining operation. Much of the entire Gorge had been claimed for mining but not yet established. Reclamation has been promised, but few specifics and little action is seen. Also, for what they've done, reclamation would be almost meaningless. Bonanza Mining says it will stay for five years. In one year it has mutilated almost one mile of Pine Gorge. The dredging around Sumpter looks flimsy by comparison. In five years, there won't be anything left of mainstem Pine Gorge. Bonanza Mining provides only five jobs Pine Valley. They have a reputation of being secretive, stingy and low paying. They heavily pollute Pine Creek and continue to violate water quality laws even after being contacted by DEQ and DGMI. I personally monitored the water quality situation every day from April 15 through May 29. (Please see attached photos). Thus, local support is thin and people are getting very upset as Bonanza massacres the gorge and pollutes the water. Not being one for overstatement, I believe the use of the words "massacre" and "mutilate" are truly conservative expressions in the instant case.

Please consider Pine Creek for inclusion in S.2148.

Senator **Hatfield**. Thank you.

Mr. **Nadal**. It's five miles of the mainstem from the confluence.

Senator **Hatfield**. Thank you, and I also thank you for your visual aids. It's very helpful. Your time is up.

Mr. **Nadal**. Can I continue or do I have to stop?

Senator **Hatfield**. You have got the red light.

Mr. **Nadal**. I have to stop.

Senator **Hatfield**. All statements will be incorporated in the record and I understand that you will have additional material to present to the committee as well.

Mr. **Nadal**. Okay.

Senator **Hatfield**. Thank you very much.

May I correct the record. I made a horrible mistake a while ago. I said Elk Creek rather than Elk River. Please don't tell ORC.

Mr. Dennis Hayward, Ms. Sue Joerger, Mr. Chris West, Mr. Jim McCauley.

## STATEMENT OF DENNIS HAYWARD, NORTHWEST TIMBER ASSOCIATION

Mr. **Hayward**. Good morning, Senator. My name is Dennis Hayward. I'm Executive Vice-President of the Northwest Timber Association.

As you know, our organization represents small lumber plywood operators in western Oregon. Because of our public timber dependence, we are always concerned about any legislative or administrative action which may directly or indirectly affect the law. At the same time we are all Oregonians, we see the forest far more than the trees. Everyone of my members either live, float, fish or otherwise recreate on Oregon's magnificent rivers. We share your objective of making sure these rivers and recreational opportunities are maintained.

There is no doubt that because of the scope of this legislation it will be a landmark in river conservation. While it may dilute the mystic of a wild and scenic classification, it may also focus attention on Oregon's great river resource, encouraging additional use and opportunities for economic diversification, goals we support.

Our biggest concern however is that many groups are supporting the river legislation not as conservation measures but as another surrogate for preservation. Great care and intention will be needed in crafting the legislation to assure its intended purposes are achieved on a river by river basis without creating another spotted owl type surrogate to become the subject of endless appeals and lawsuits aimed at crippling our economy.

Legally it is not easy to, it is not really clear what the designation of river segment under the wild and scenic legislation means in terms of management activities both in a court or outside the court. In order to clarify the matter, we contracted with the law firm of Preston, Thorgrimson, Ellis and Holman in D.C., to do a detailed analysis of the ramifications of this classification, copy of which will be submitted with our testimony.

The review demonstrates that drawing simple and straight forward conclusions is very difficult since there are over 90 federal laws and untold numbers of rules, regulations and guidelines as well as state requirements which relate to the Wild and Scenic Rivers Act.

We have identified a number of key concerns that I won't have time to go into. But they deal with being clear on the purpose of designation, the impact designation outside the corridors, relationship to a floor plans and so. Things like the fact that the alternative in the Silver Fire excludes burned dead timber from salvage because it can be seen from the Illinois. Is that really what we want?

In concluding, we believe there are three key steps that need to be taken in moving forward with finalization of this legislation.

First it should be, legislation should be very specific as to the purpose and intent of including each segment of each river so that the managing agency and the public will clearly know the limits and objectives of future management activities.

Second, a much more in depth analysis of the legal implications and the economic impact should be prepared so that everyone will know the results before it is finalized.

And finally, on the segment by segment basis, serious consideration should be given to developing specific exemptions or exceptions to assure that objective classification are met without placing undue limitation on multiple-use management.

We would welcome the opportunity to work with your staff and other groups in producing the best final law.

[The prepared statement of Mr. Hayward follows:]

wildrvrs.tet

DRAFT

Testimony for Wild and Scenic Rivers Hearing

My Name is Dennis Hayward. I am executive Vice-President of Northwest Timber Association. As you know our organization represents small business lumber and plywood firms in western Oregon which are dependant upon public timber. Because of our public timber dependance we are always concerned with any legislative or administrative action which may directly or indirectly effect available timber supply. In this case your proposed legislation would directly designate eleven rivers in western Oregon effecting 367 river miles. Some 130,000 acres of adjacent land would be desingnated, of which about 50,000 acres are suitable Forest Service timberlands. These lands are capable of producing, if managed for timber, 40 million plus board feet of timber per year.

At the same time we are all Oregonians and we see our forest for much more than just the trees. Everyone of my members either live, float, fish or otherwise recreate on Oregon's magnificent rivers. We share your objective of making sure these rivers and recreational opportunities are maintained. Just as with the Wilderness debates of the past, we want to work with you on this legislation to assure a proper balance is achieved. Your goal that these designations be accomplished in a manner which has only minimal impact on the timber economy is one we of course applaud and want to see become a reality.

There is no doubt that because of the scope of this legislation it will be a landmark in river conservation. While it may dilute the mystic of a Wild and Scenic classification, it may also focus attention on Oregon's great river resource encouraging additional use and opportunities for economic diversification - goals we support. Our biggest concern however, is that many groups are supporting the river legislation not as a "conservation" measure, but as another surrogate for "preservation." Already groups are telling their members that this will be but another tool to prevent the harvest of old growth and are promoting major expansions of the list of rivers to be included. Great care and attention will be needed in crafting the legislation to assure its intended purposes are achieved on a river by rive basis without creating another spotted owl type surrogate to become the subject of endless appeals and law suits aimed at crippling the states timber economy.

Legally. it is not really clear what the designation of a river segment under the Wild & Scenic Legislation means in terms of management activities. In order to clarify the matter we contracted with the Law Firm of Preston, Thorgrimson, Ellis & Holman to do a detailed analysis of the ramifications of Wild and Scenic River Status, a copy of which will be included for the record and the use of your staff.

The review demonstrates that drawing simple and straight forward conclusions is very difficult since there are over 90 federal laws and untold number of rules, regulations and guidelines as well as state requirements which relate to the Wild and Scenic Rivers Act.

At this point, Senator, we have identified five key concerns that we believe need to be analyzed as we move toward finalizing this legislation.

## CONCERN #1 PURPOSE OF RIVER BY RIVER DESIGNATION

As we understand the purpose of the act, each river designated under the system is done so for its own unique and specific reasons. The purpose of designation then becomes the basis for the management planning and permitted activities. Great care is needed in finalizing the designations so as to assure that it is clear to the public and the responsible agencies why each river segment was included. Failure to do so could result in unnecessary restrictions in or adjacent to the corridors and providing yet another tool for appeal and dispute for those whose goals may be to limit all forest management activities.

CONCERN #2 RECOGNIZING THE MANAGEMENT IMPACT DIFFERENCE INSIDE AND OUTSIDE THE CORRIDORS.

Wild and Scenic designation will result in an average of 320 corridor acres per mile (360 acres per mile in western Oregon proposal) specifically designated and managed depending upon classification. This average quarter mile strip either side of the river is managed to maintain or produce the desired river character and experience. It is appropriate that the river designation dominate management direction on such lands.

Of equal, if not greater concern, is the potential effect that designation has on lands bordering or upstream from the designated sections. It is standard Forest Service practice, as we understand it, to implement much more stringent water quality and visual management standards adjacent to potential wild and scenic rivers. In some cases, such as on a really spectacular river like the Rogue, stringent visual controls may be appropriate. But on many rivers the management of the corridor should be the only limits on management.

As an example, for years I have fished the Chetco and landed many a Salmon or steelhead within sight of harvest units and with the sound of yarders or log trucks in the air - and it hasn't reduced the quality of the experience one bit.

Further, the designation of a river as wild and scenic should not, in and of itself require water quality standard upstream to go beyond the normal best management practices in use on other general forest lands. Added requirement only reduce the ability of the forest to produce timber while adding little to the quality and utility of the river.

The issue of management standards outside the corridor needs to be addressed on a river by river basis in the legislation.

CONCERN #3 ANALYZING IMPACTS AND RELATIONSHIP TO FOREST PLANS

Preliminary reports on this legislation have indicated that the impact on timber supply would be very minimal - equivalent to only one or two timber sales per year. Unfortunately there are problems with this information:

Thus far the data available is only for the Forest Service portion of the proposed designations. The impact of BLM and other ownerships needs to be incorporated.

Further, the Forest Service analysis was based on a comparison of the proposal to the draft preferred alternatives of the Forest Plans. As you know we have serious disagreement with the technical and land allocations in many of the draft plans which we would hope to see modified in the final plans. To more fully understand the impact of the river designations comparisons are needed with current plans and other management alternatives. We understand that the Forest Service is preparing such an analysis and we believe these will identify more clearly the potential impact as well as opportunities that may exist to develop appropriate exclusion in river specific classifications. Intended or not, quick passage of this bill without clarification could actually result in congressional endorsement of Forest Service draft plans on a significant portion of the land base.

Even though in western Oregon the Forest Service Preferred alternatives only recommend designation of 5 of the 11 rivers in your bill, it is clear they anticipate very restrictive management on the remaining six rivers such that the additional impact is quite small. However, it is still not clear whether or not the full impacts of management constraints outside the corridors have been identified. Since the purpose of this bill is, we understand, to provide an appropriate level of protection for the specific river, there may be opportunity to provide such protection with less than planned impacts on adjacent lands.

CONCERN #4 CLASSIFICATION BASED ON DESIRED RESULTS - NOT CURRENT STATUS

Within the designation of a river, segments are identified as Wild, Scenic or Recreation. The type of designation greatly effects the way the corridor and surrounding areas are managed.

From our limited review it appears that the proposed classifications are the most restrictive that current conditions would allow. That is, is, if there is a road and campground along the river it is recreation, but if it is in an undeveloped area it is Wild. The bill would attempt to preserve the most restrictive classification possible under current conditions.

We would offer an alternative to think about. Depending upon the location and characteristics of a river there will be cases where the goal would be to provide a classification lower than its current status, recreational on a portion that meets minimum criteria for scenic for example. Such a decision in the legislation would thus permit a higher level of development in the corridor and adjacent areas, but such development would take place with clear knowledge of the desired end result. This would allow the development of greater public access to rivers, the development of campgrounds and facilities while also lowering the impact on timber supply. Unlike the all or nothing restrictions in a wilderness debate, the Wild and Scenic legislation allows a balancing of development and preservation of natural characteristics.

CONCERN #5 ACCESS CORRIDORS

Our final concern is that designations do not restrict access to non-corridor lands. Depending upon the classification placed on any river segment and the specific language of the bill, designation may restrict potential future road and bridge locations. This could in turn inadvertently block access to areas otherwise available for timber management.

We would suggest that the Forest Service and BLM be required to study this issue in detail and identify any necessary road or bridge transportation corridors that should be identified exemptions in the legislation.

CONCLUSION:

In conclusion, we believe that there are three key steps that need to be taken in moving toward finalization of this legislation.

First, the legislation should be very specific as to the purpose and intent of including each segment of each river so that the managing agency and public will clearly know the limits and objectives of future management activities.

Second, a much more in depth analysis of the legal implications and economic impacts should be prepared so that everyone will know the results of the legislation before it's finalization, and you can be assured your objectives are met.

Finally, on a segment by segment basis, serious consideration should be given to developing specific exemptions or exceptions to assure that the objectives of classification can be met without placing undo limitations on the multiple-use management of adjacent lands.

We would welcome the opportunity to work with your staff and other organizations in producing the best possible version of this land mark legislation.

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# MEMORANDUM

TO: North West Timber Association

FROM: Preston, Thorgrimson, Ellis & Holman

DATE: May 13, 1988

RE: Ramifications of Wild and Scenic River Status

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## I. Introduction

You asked that we examine the impact of a wild and scenic river designation on other activities that may occur in or near a wild and scenic river area.

The federal government has broad authority to protect a wild and scenic river area, especially with regard to activities within wild and scenic river boundaries and to actions on public lands. However, the rights of private landowners, and private interests in public land, are considered in the enforcement of the Wild and Scenic Rivers Act. The protection of river areas varies because agencies must preserve the specific, individual attributes that led to each river's designation as wild and scenic.

This memo describes the wild and scenic rivers program as established by the 1968 Wild and Scenic Rivers Act and interpreted through regulations, guidelines, and court decisions. It focuses on the effect of a wild and scenic river designation on timber interests. It discusses the impact of wild and scenic river designations on both public and private lands that either lie within or outside wild and scenic river boundaries. Finally, the memo suggests ways to minimize the impact of pending legislative designations.

In preparing this memorandum, we reviewed the following: the Wild and Scenic Rivers Act, as amended; all regulations promulgated pursuant to the act; guidelines written by the Departments of Interior and Agriculture; relevant Forest Service Manual and Forest Service Handbook sections; court decisions that discuss and enforce the statute, with an emphasis on cases dealing with timber interests; and House and Senate Reports accompanying amendments to the Wild and Scenic Rivers Act.

## II. Wild and Scenic Rivers Act

### A. Values

The Wild and Scenic Rivers Act was passed on October 2, 1968, to preserve and protect certain rivers and their immediate environment. See 16 U.S.C.A. § 1271. Under the Wild and Scenic Rivers Act, either the federal or state legislatures may designate rivers as wild and scenic, and Congress may also designate potential wild and scenic rivers. 16 U.S.C.A. § 1273, § 1276.

The overriding principle that guides federal agencies in their management of land in a wild and scenic river area is preservation of the specific values for which the river was designated wild and scenic. The Wild and Scenic Rivers Act states:

> Each component of the national wild and scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without . . . limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration primary emphasis shall be given to protecting its esthetic, scenic, historic, archeologic, and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development based on the special attributes of the area.

16 U.S.C.A. § 1281(a).

The statute gives all federal agencies the responsibility to protect wild and scenic rivers when they exercise their authority over lands in or near a wild and scenic river boundary. In the section dealing with management policies of federal agencies, the statute states that federal agencies

> having jurisdiction over any lands which include, border upon, or are adjacent to, any river included within the National Wild and Scenic Rivers System or under consideration for such inclusion . . . shall take such action respecting management policies, regulations, contracts, plans, affecting such lands . . . as may be necessary to protect such rivers . . . [p]articular attention shall be given to scheduled timber harvesting, road construction, and similar activities which might be contrary to the purposes of this chapter.

16 U.S.C.A. § 1283(a).

When the Wild and Scenic Rivers Act was signed into law in 1968, most of its text came from the House bill language. The House Report that accompanied H.R. 18260 referred to timber harvesting and road construction in the section-by-section analysis. However, it merely paraphrased the statute's § 1283 requirement that timber harvesting, road construction and similar activities be given "special attention" by the heads of federal agencies so the rivers would be protected. H.R. Rept. No. 1623, 90th Cong., 2d Sess., reprinted in, 1968 U.S. CODE CONG. & ADMIN. NEWS 3800, 3813.

A state wild and scenic river designation must be approved by the U.S. Secretary of the Interior in order to qualify for federal protection. This approval is given if the river's characteristics meet the federal criteria for a designation. State-designated wild and scenic river areas are administered by the state or its political subdivisions. 16 U.S.C.A. § 1273(a).

### B. Size of Area

An average of 320 acres per mile of land that borders a wild and scenic river can be specifically incorporated into the wild and scenic river system. A system usually includes land that is one-quarter mile from the high water mark on each side of the river, an area exactly equal to 320 acres per mile. 16 U.S.C.A. § 1274(b). However, the statute's "average" provision allows flexibility so boundaries can be drawn that reflect and preserve the values for which the river is being designated. For example, a boundary may be widened somewhat to include a ridge or to preserve a view if these constitute some of the characteristics that led to the river's wild and scenic designation. (The statute doubles the allowable river system size for certain Alaskan rivers -- to 640 acres per mile and one-half mile from the high water mark. 16 U.S.C.A. § 1285b.)

The federal government can only acquire fee title to 100 acres of land per mile of river (in addition to any amount of land it already owns within the boundaries). With certain restrictions, the land is acquired through purchase, donation, condemnation, and exchange. 16 U.S.C.A. § 1277.

### C. Categories of River

There are three types of wild and scenic river classifications: wild, scenic, and recreational. 16 U.S.C.A § 1273(b). Restrictions on activities vary depending on the type of designation. For example, as explained below, the type of classification affects the amount of timber harvesting that is permitted.

Final wild and scenic river guidelines published by the Departments of Agriculture and Interior provide guidance on the classification of wild and scenic system study rivers (see study rivers section below). These guidelines are useful for understanding the varying characteristics of each river classification. See 47 Fed. Reg. 39454, 39457 (Sept. 7, 1982). The guidelines also note that authorized future uses of a river area, such as timber harvesting, may be taken into consideration when the Departments classify study rivers and may affect the rivers' immediate classification as wild, scenic, or recreational. Id. at 39454.

Wild rivers are free of impoundments and shoreline development and are only accessible by trails; however, a few inconspicuous roads and structures do not automatically destroy a river's eligibility for classification as "wild." A wild river "area should show little or no evidence of past logging activities." Id. at 39457.

Scenic rivers are also free of impoundments and of substantial shoreline development. However, portions of the watershed of a scenic river can show signs of development, including timber harvesting that does not adversely affect the natural appearance of the river. Also, a few shoreline structures are allowed, but they should occupy a small amount of the total scenic river area. Finally, scenic rivers can be accessible by roads or railroads as long as the roads or railroads are primarily inconspicuous. Id.

Recreational rivers may have some existing impoundments, but the waterways' appearances should remain natural. Recreational rivers may be accessible by roads and railroads. Shorelines may be subject to commercial and residential development, including timber harvesting. Id. at 39457-58.

### D. Wild and Scenic Study River

The Wild and Scenic Rivers Act also identifies potential wild and scenic rivers by designation of specific river segments for study. See 16 U.S.C.A. § 1276. Congress must approve further legislation before a study river becomes a permanent wild and scenic river.

Studies are conducted by the Departments of Agriculture or Interior, with study reports submitted to Congress by the President. 47 Fed. Reg., supra, at 39456. Study reports must comply with the National Environmental Policy Act (NEPA) and may be combined with an Environment Impact Statement (EIS). Id. To comply with NEPA, study reports are required to include an analysis of alternatives for use of the river area, including alternatives that are incompatible with a wild and scenic river designation. Id. at 39458. When Congress authorizes a river study, it specifies a time for completion of the study, usually three years. See Id. at 39460; 16 U.S.C.A. §§ 1276(b), 1278(b)(i). After the President submits a study report that recommends designation as a wild and scenic river, Congress has three years to act. During these years, the river maintains its potential wild and scenic river status. 16 U.S.C.A. § 1278(b)(ii);

H.R. Rept. No. 1623, 90th Cong., supra, at 3808, 3812; U.S. Forest Service, Department of Agriculture, Forest Service Manual § 2354.21.

During the time a river is designated a potential wild and scenic river, federal agencies must manage the river area to protect the river's wild and scenic values. During this study period, existing uses of the river are allowed to continue, and new uses may be allowed if they will not have adverse impact on the river area. Forest Service Manual, supra, at § 2354.21.

### E. Statutory Wild and Scenic River Exceptions

When a river is designated as part of a wild and scenic river system, the statutory language describing the system's boundaries is very particular and detailed. See 16 U.S.C.A. § 1274. Occasionally, the description of a river's wild and scenic status includes exceptions that specifically allow a certain activity to continue in the wild and scenic area. For example, when part of the Missouri River was designated, the statute permitted pumping to supply water to land adjacent to the river system. 16 U.S.C.A. § 1274(22). When a portion of the Saint Joe River was designated, the statute allowed sand and gravel above Saint Joe's high water mark and along tributaries to be removed for road construction and maintenance. 16 U.S.C.A. § 1274(23). Appendix A, attached, lists the statutory exceptions in current wild and scenic river designations.

## III. Enforcement of the Wild and Scenic Rivers Act

### A. Regulations

More than 90 federal regulations relate, to some degree, to the Wild and Scenic Rivers Act. Many of these regulations pertain to Federal Energy Regulatory Commission water project licenses, activities of the Farmers Home Administration and Department of Housing and Urban Development, mining, appropriate recreation within a wild and scenic river system, Department of Energy sites, Department of Defense activities within a wild and scenic river system, and hazardous waste permits.

Comparatively few of the regulations pertaining to wild and scenic rivers are U.S. Forest Service regulations. However, as discussed below, the Forest Service has general authority and responsibility to take the protection of wild and scenic river areas into account in all its decisions and management plans. Forest Service water projects may be authorized if they will not damage the values being preserved in a wild and scenic river system. 36 C.F.R. §§ 297.1 - 297.6. The Forest Service has the authority to bar access to, and activities on, land that is within a wild and scenic river system. 36 C.F.R. §§ 261.1(a)(4), 261.58(z). The Forest Service may not convey certain small tracts of land that are in a wild and scenic river system. 36

C.F.R. § 254.35. Finally, the Chief of the Forest Service may make recommendations to the President regarding establishment of a wild and scenic river system. 7 C.F.R. § 2.60(b)(7).

The Bureau of Land Management has a number of regulations dealing with activities that may affect wild and scenic river areas. The regulations restrict rights-of-way through wild and scenic river systems, and they prohibit many sales or exchanges of land within wild and scenic river boundaries. 43 C.F.R. §§ 36.2, 36.9, 36.13, 2547.6, 2710.0-8, 2741.1. BLM also regulates mineral leases and mining that may affect wild and scenic rivers. 43 C.F.R. §§ 3400.2, 3461.1, 3508.1, 3809.0-3, 3809.0-5. Finally, BLM regulations limit off-road vehicle use and recreation in wild and scenic river systems. 43 C.F.R. §§ 8340.0-3, 8351.0-1, 8351.2-1, 8360.0-3, 8372.0-5, 8372.1-1, 9268.3.

An important Council on Environmental Quality NEPA regulation specifies that an action is more likely to be considered "significant" if it affects a wild and scenic river system. 40 C.F.R. § 1508.27(b)(3). As the cases below indicate, this may be a factor in disputes over EIS requirements.

## B. Litigation

Litigation has occurred over timber harvesting and related activities in areas close to wild and scenic rivers. The cases do not significantly clarify the effect on timber interests of a wild and scenic river designation. However, they indicate judicial awareness of § 1283 and NEPA requirements to evaluate the effects on wild and scenic rivers of timber harvesting, road building, and so on.

The following two cases dealt with the adequacy of environmental studies that evaluated timber harvesting and related road-building in areas that included portions of wild and scenic river systems, as well as other factors that prompted significant environmental concern. The Oregon and Idaho district courts each found the environmental studies adequate and permitted the road-building and timber harvesting to continue. However, in each case, the Ninth Circuit reversed the district court, finding that the EIS was inadequate or that its adequacy needed to be determined through further review. The wild and scenic river system was not the central focus of either appellate decision, and an EIS would probably have been required even without the presence of a wild and scenic river area.

### 1. Thomas v. Peterson

In Thomas v. Peterson, an Idaho district court held that a road being built in the Nezperce National Forest close to the wild and scenic Salmon River was acceptable as long as the river would be protected. (The decision also focused on the adequacy of an environmental assessment and on economic and endangered species arguments against the road.) The court quoted 16 U.S.C.A. § 1283 and said it would assume that the road was "adjacent" to the river. An environmental assessment had concluded that the Forest Service could control sedimentation problems created by the road-building. However, the court said that § 1283 required the Forest Service to continue monitoring the road-building in order to protect the river. Thomas v. Peterson, 589 F. Supp. 1139, 1151 (D. Idaho 1984), rev'd, 753 F.2d 754 (9th Cir. 1985).

The Ninth Circuit Court of Appeals reversed the Idaho district court's Thomas v. Peterson decision. The Ninth Circuit did not discuss the wild and scenic river designation; however, it noted that the area was adjacent to a wild and scenic river system. It based the reversal on its judgment that (1) a new EIS was necessary to evaluate the cumulative impact of the road and the subsequent timber harvesting that it made possible; and (2) the Forest Service should do a biological assessment on the effect on an endangered species, the Rocky Mountain Gray Wolf. Thomas v. Peterson, 753 F.2d 754 (9th Cir. 1985).

### 2. ONRC v. U.S. Forest Service

In Oregon Natural Resources Council v. U.S. Forest Service, controversy surrounded sale of timber contracts in the Willamette National Forest. The Oregon district court upheld the contracts, finding that the EIS applicable to the sale was adequate. The EIS had evaluated the effect of timber harvesting on part of the Willamette National Forest, including a wild and scenic river system. There is no elaboration in Oregon Natural Resources on the EIS evaluation of the specific wild and scenic river impact. Oregon Natural Resources Council v. U.S. Forest Service, 659 F. Supp. 1441 (D. Or. 1987), modified, 834 F.2d 842 (9th Cir. 1987).

The Ninth Circuit modified the Oregon district court's Oregon Natural Resources decision by remanding the case to the U.S. Forest Service for an administrative appeal process. The circuit court also vacated the district court's finding that the EIS applicable to the timber sales was adequate. Without mentioning the presence of a wild and scenic river, the Ninth Circuit said it could not determine whether or not the EIS was adequate until the administrative appeal had been pursued. Oregon Natural Resources Council v. U.S. Forest Service, 834 F.2d 842, 846-47 (9th Cir. 1987).

### 3. Counties Cases

In the early 1980's, five wild and scenic river designations in California were challenged by California and Oregon counties and by lumber interests. The river designations had been proposed by the State of California and were subject to approval by the Department of Interior. The counties and lumber interests based their challenge on alleged substantive and procedural inadequacies in the required federal EIS. Ultimately, the Ninth Circuit upheld the designations, implicitly validating the EIS.

In County of Del Norte v. United States, the California district court held that the wild and scenic river designations were invalid primarily because the final EIS had not been filed properly, though it said the question of EIS adequacy was unresolved. County of Del Norte v. United States, 13 ELR 20541 (N.D. Cal. 1983), rev'd, 732 F.2d 1462 (9th Cir. 1984).

The Ninth Circuit Court of Appeals reversed the district court in Del Norte, holding that the NEPA procedural violations were insignificant. While not directly discussing the adequacy of the EIS, the Ninth Circuit implicitly validated the EIS by approving the wild and scenic river designations. County of Del Norte v. United States, 732 F.2d 1462 (9th Cir. 1984), cert. den., 469 U.S. 1189 (1984).

The district court in County of Josephine v. Watt denied the plaintiff's request for a preliminary injunction against the five California wild and scenic river designations. However, the court held that the EIS may not have adequately evaluated the secondary impact in Oregon of more timber harvesting, which could result if less harvesting occurred in California due to the designations. The court said this was an open, triable issue. County of Josephine v. Watt, 539 F. Supp. 696, 706-08 (N.D. Cal. 1982). This decision was not appealed to the Ninth Circuit.

## IV. Activities Allowed in a Wild and Scenic River Area

The Wild and Scenic Rivers Act specifies that water resource projects, mining, timber harvesting, and road construction should only be conducted in a wild and scenic river system after federal agencies with control over these activities have determined that they will not be contrary to the purposes of the wild and scenic river designation.

### A. Timber Harvesting

While the statute devotes entire sections to mining and to water projects, timber harvesting and related road construction are addressed quite briefly in § 1283, discussed above. The statute also gives the Secretary of Agriculture general authority to manage the national forests so wild and scenic river areas will be protected. It says, "[t]he Secretary of Agriculture, in his administration of any component of the national wild and scenic rivers system area, may utilize the general statutory authorities relating to the national forests in such manner as he deems appropriate to carry out the purposes of this chapter." 16 U.S.C.A. § 1281(d).

In exercise of § 1281 and § 1283 authority, the Departments of Agriculture and Interior guidelines, the Forest Service

Manual, and the Forest Service Handbook indicate that timber harvesting is generally prohibited within wild river boundaries except for emergencies and perhaps to clear certain trails. Timber harvesting within scenic and recreational river boundaries is allowed if the rivers' values are not diminished. The Forest Service Handbook specifies that timber harvesting outside the wild or scenic river boundaries, "but within the visual corridor," should be managed with an "emphasis on visual quality." The handbook does not address control of timber harvesting outside recreational river boundaries. However, the Forest Service Manual stipulates that visual objectives for all designated rivers shall be considered when objectives for adjacent National Forest System lands are defined. 47 Fed. Reg., supra, at 39459; Forest Service Manual, supra, at 2354.42d, 2354.42m; U.S. Forest Service, Department of Agriculture, Forest Service Handbook 1909.12 § 8.2.

### B. Water Resource Projects

Water resource projects "on or directly affecting" actual or potential wild and scenic rivers may not be licensed by the Federal Energy Regulatory Commission. Also, no federal agencies may "assist by loan, grant, license or otherwise" a water resource project that "would have a direct and adverse effect on the values for which [a current or potential wild and scenic] . . . river was established." However, agency assistance may be given to water resource projects not directly in the wild and scenic rivers system if the projects "will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values . . . ." 16 U.S.C.A. § 1278(a)-(b).

### C. Mining

All mining claims in a wild and scenic river system that are non-perfected at the time the river is designated are subject to federal regulation that safeguards against pollution and damage to the scenery. Perfected mining claims only convey title to mineral deposits and to surface activity that is "reasonably required" for mining, consistent with federal regulations. Also, minerals in a wild and scenic riverbed or within one-quarter mile of its bank may not be appropriated, subject to valid existing rights. 16 U.S.C.A. § 1280(a)(i)-(iii).

## V. Restrictions on Public and Private Land Uses

In managing public and private land uses both within and outside wild and scenic river boundaries, federal agencies consider restrictions in the Wild and Scenic Rivers Act, private rights that existed at the time a river was designated, and limitations on the government's power of eminent domain. In addition, federal agencies often must consider requirements in statutes other than the Wild and Scenic Rivers Act. However, the

Agriculture and Interior guidelines require that the most "restrictive provisions for protection of the river values shall apply." 47 Fed. Reg., supra, at 39459. See also 16 U.S.C.A. § 1281(b); Forest Service Manual, supra, at 2354.42e.

### A. Public Land Restrictions

In order to protect a wild and scenic river area, federal agencies may restrict activities on public lands that lie both within and outside the wild and scenic river boundary. 16 U.S.C.A. § 1283. However, the authority to restrict private actions on public lands has limits. The Wild and Scenic Rivers Statute states that § 1283 shall not "be construed to abrogate any existing rights, privileges, or contracts affecting Federal lands held by any private party without the consent of said party." 16 U.S.C.A. § 1283(b).

#### 1. Within System Boundary

Within a wild and scenic river boundary, federal agencies have wide discretion to prohibit activities on public land. See 16 U.S.C.A. §§ 1281, 1283. However, final guidelines for management of wild and scenic rivers by the Departments of Agriculture and Interior allow timber harvesting within a wild and scenic river boundary as long as it is "conducted so as to avoid adverse impacts on the river area values." 47 Fed. Reg., supra, at 39459. (See Timber Harvesting subsection above for a more detailed discussion.)

#### 2. Outside System Boundary

Federal agencies also have authority to regulate public lands outside river system boundaries for the protection of wild and scenic river areas. Activities on public land outside the actual wild and scenic river system boundary can be curtailed pursuant to 16 U.S.C.A. § 1283, discussed above, which directs federal agencies to consider the protection of wild and scenic rivers in decisions affecting lands in or adjacent to a wild and scenic river boundary. This particularly pertains to decisions about timber contracts and road-building. This, in effect, can create a buffer zone. The size of the buffer zone depends on the particular situation; however, the statute uses the terms "border upon" and "adjacent," which theoretically limit the size of the buffer, but which are not defined.

In addition, the Wild and Scenic Rivers Act directs federal agencies that administer rivers designated on or after January 1, 1986, to prepare comprehensive management plans to protect the rivers; it goes on to specify that these plans shall be coordinated with plans regulating federal lands adjacent to river boundaries. 16 U.S.C.A. § 1274(d)(1). Accordingly, the Forest Service Manual directs the Forest Service to consider the visual impact on wild and scenic river systems as it manages National Forest System lands adjacent to a wild and scenic river system.

Forest Service Manual, supra, at 2354.42m. See also Forest Service Handbook, supra, at 1909.12 § 8.2. (See more detailed discussion in Timber Harvesting section above.) Also, certain individual wild and scenic river designations require that plans for park lands that include a wild and scenic river system shall be consistent with the wild and scenic river designation. See 16 U.S.C.A. § 1274(a)(57), (61), (62).

## B. Private Land Restrictions

### 1. Within System Boundary

Activities on private land within a wild and scenic river boundary can be restricted through condemnation, which forces sale of the land, or of an interest in the land, such as an easement. See 16 U.S.C.A. § 1277(a)-(c). The Departments of Agriculture and Interior guidelines for wild and scenic river management state that "[w]here land use controls are necessary to protect river area values, the managing agency will utilize a full range of land-use control measures including zoning, easements and fee acquisition." 47 Fed. Reg., supra, at 39459.

The degree of federal control over private land within a river system boundary is illustrated in United States v. 637.84 Acres of Land. In this case, a Missouri district court upheld the federal government's authority to prohibit owners of private land within a wild and scenic river boundary from subdividing the property into parcels of less than 250 acres. The court held that the government could control the subdividing through a scenic easement. United States v. 637.84 Acres of Land, More or Less, Situate in Oregon County, State of Missouri, 524 F. Supp. 688 (W.D. Mo. 1981).

Federal condemnation power over private land within a wild and scenic river boundary is not absolute. For example, the Wild and Scenic Rivers statute does not allow condemnation in order to acquire fee title to private land within the wild and scenic river boundary if 50 percent or more of all the land in the boundary is public; however, condemnation to acquire easements is allowed regardless of the amount of public land. The statute also does not allow condemnation if the land is in an urban area with a valid zoning ordinance that conforms with the purposes of the wild and scenic river designation. 16 U.S.C.A § 1277(a)-(c).

In specific situations, condemnation powers may also be limited by legislative history and by recognition that condemnation is a very serious action. The Forest Service Manual notes that a number of wild and scenic river areas contain private land and that the USFS will acquire interests in private land "only to the extent necessary to protect, maintain, and/or enhance the river area . . . ." Forest Service Manual, supra, at 2354.51. According to conversations with the Forest Service and the Bureau of Land Management, the government is hesitant to use condemnation power over private land. Officials attribute this hesitancy to respect for existing private rights and to concern over political ramifications if too many private landowners are restricted.

This reluctance also is evident in some House and Senate reports that accompany amendments to the Wild and Scenic Rivers Act and that, at times, discourage federal agencies from acquiring private land or easements. For example, in a House report accompanying the Alaska National Interest Lands Conservation legislation, the Committee said that condemnation of private land interests within the wild and scenic river corridor should only be used as a last resort. H.R. REP. No. 97, 96th Cong., 2d Sess. 274 (1980). Also, in the House report accompanying recent legislation designating the Merced River in California as wild and scenic, the Committee stated that the wild and scenic river designation should not be construed as giving the Secretary of the Interior additional authority to acquire easements. H.R. REP. No. 32, 100th Cong., 1st Sess. 3 (1987). See also H.R. REP. No. 503, 99th Cong., 2d Sess. 9 (1986).

Even with condemnation, "regular uses" on private land within a river boundary may be permitted to continue if the activities were occurring before the wild and scenic river designation. 16 U.S.C.A. § 1286(c); 47 Fed. Reg., supra, at 39459. To qualify as regular use, the activities must be "steady or uniform in course, practice, or occurrence at or near the time of taking" of a scenic easement. United States v. 55.0 Acres of Land, More or Less, Situate in Oregon County, Missouri, 524 F. Supp. 320, 322 (W.D. Mo. 1981). In United States v. Hanten, the Oregon district court held that a single prior timber harvest on private land within a wild and scenic river boundary was not regular use, and the court upheld an easement that prevented harvesting. The court noted that the landowners had done nothing subsequent to the timber harvest to maintain the property for timber production, such as "replanting, brush control, or selective thinning . . . ." United States v. Hanten, 500 F. Supp. 188, 190 (D. Ore. 1980).

### 2. Outside System Boundary

The Wild and Scenic Rivers Statute does not significantly address federal agencies' authority to restrict activities on private lands outside wild and scenic river boundaries. The only exceptions are water resource projects that adversely affect a designated river, discussed above, and § 1277(a)(2), which implicitly limits one type of acquisition authority by stating, "[w]hen a tract of land lies partially within and partially outside the boundaries of a component of the National Wild and Scenic Rivers System, the appropriate Secretary may, with the consent of the landowners for the portion outside the boundaries, acquire the entire tract." 16 U.S.C.A. § 1277(a)(2) (emphasis added). This indicates that land outside the boundaries cannot be acquired without the owners' consent; it does not address the acquisition of easements or the power of regulations over activities on this land.

Court decisions that primarily deal with statutes other than the Wild and Scenic Rivers Act may provide some guidance on the issue of federal authority to regulate actions on private land outside river boundaries. These court decisions have centered on the power of the federal government that is derived through the property clause of the United States Constitution. Article IV, section 3, clause 2, of the Constitution states, in part: "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States."

In 1926, the U.S. Supreme Court upheld a law that prohibited the building of fires on private land if the fires would endanger adjacent federal land. Relying on court decisions based on the property clause, the Court said that "Congress may prohibit the doing of acts upon privately owned lands that imperil the publicly owned forests." United States v. Alford, 274 U.S. 264, 267 (1926).

Over fifty years later, in Kleppe v. New Mexico, the U.S. Supreme Court held that federal legislation to protect free-roaming horses and burros was a constitutional exercise of congressional power under the property clause. The dispute in Kleppe centered on seizure of three burros on federal land by the Livestock Board of the State of New Mexico; the Board argued that the property clause power could not extend to protect wild animals, which are not public lands. After rejecting this narrow reading of the property clause, the Kleppe court stressed the potential breadth of power under the clause by noting, "the Property Clause is broad enough to reach beyond territorial limits. . . . [I]t is clear that regulations under the Property Clause may have some effect on private lands not otherwise under federal control." However, the court expressly left open "the question of the permissible reach of the [Wild and Free-Roaming Horses and Burros] Act over private lands under the Property Clause." Kleppe v. New Mexico, 426 U.S. 529, 538, 546-47 (1976) reh'g denied, 429 U.S. 873 (1976).

The property clause power discussed in Alford and Kleppe was relied on in United States v. Lindsey, which dealt with Forest Service regulations against building a campfire next to a river that was part of a wild and scenic river system (within the boundary). The district court had held that the Forest Service regulation could not be enforced because the fire was built on state land. However, the Ninth Circuit Court of Appeals upheld enforcement of the regulation, stating that the property clause allows the United States "to regulate conduct on non-federal land when reasonably necessary to protect adjacent federal property or navigable waters." United States v. Lindsey, 595 F.2d 5, 6 (9th Cir. 1979).

In United States v. Richard, the Eighth Circuit reinstated a judgment against a canoe outfitter who rented canoes for use on a wild and scenic river. Forest Service regulations require permits for enterprises that conduct business in national forest systems, including wild and scenic river systems. 36 C.F.R. §§ 261.1, 261.1a, 261.2, 261.10. The outfitter argued that he could not be required to obtain a permit for his business in part because his office was located on private land outside the river boundary and because he only traveled on roads open to the public when he transported his canoes to the river. The court disagreed, noting that permits were necessary in order to carry out congressional intent that wild and scenic rivers be protected. Citing Lindsey, discussed above, the court also said that "federal regulation may exceed federal boundaries when necessary for the protection of . . . government forest land or objectives." United States v. Richard, 636 F.2d 236, 239, 240 (8th Cir. 1980), cert. denied, 450 U.S. 1033 (1980).

In Kleppe and Arnold, the Court was considering the authority of federal laws other than the Wild and Scenic Rivers Act. In Lindsey, the Ninth Circuit upheld federal regulation of actions on state property within a wild and scenic river boundary. Finally, in Richard, the Eighth Circuit upheld regulation of an action that started on private land outside a river boundary and that resulted in direct impact on the wild and scenic river itself. However, Richard can be read to pertain to the regulation of activities within a wild and scenic river boundary since the outfitters' primary purpose was activity on a wild and scenic river.

Congress may have broad, varied power, pursuant to the property clause. However, it is unclear whether Congress has chosen, through the Wild and Scenic Rivers Act, to assert this power over private land outside wild and scenic river boundaries. The statute's silence on this question may indicate that Congress has not chosen to do so. This issue is still open to some interpretation and may remain uncertain until Congress gives more explicit direction.

## VI. Minimizing the Impact of Pending Wild and Scenic River Designations

Legislation was recently introduced in the House and Senate to add a number of Oregon rivers to the Wild and Scenic Rivers Act. H.R. 4164, H.R. 4259, S. 2148, 100th Cong., 2d Sess. (1988). The rivers' classifications vary: some are wild, some scenic, and some recreational.

### A. Statutory Exceptions

As described above, there are several examples of statutory exceptions to wild and scenic river restrictions (also see Appendix A). While none of the exceptions specifically exempt timber harvesting, nothing precludes this type of exception. In general, the exceptions show a concern for balancing interests. A timber-harvesting exemption would be in keeping with this concern and, depending on the individual situation, is no more controversial than exceptions for sand and gravel collection or water resource projects. There are no statutory exceptions within the individual river designations in H.R. 4164, H.R. 4259, or S. 2148.

### B. Helpful Provisions in House or Senate Reports

House and Senate reports that accompany some wild and scenic river bills direct agencies to allow specific activities to occur or to continue even when these activities have not been exempted in the statute. At least one committee report mentions timber activities. When the North Umpqua River in Oregon was selected for study, the House Interior and Insular Affairs Committee report said that planned Forest Service timber sales along a tributary to the North Umpqua should not be affected by the designation, but that the Forest Service should mitigate any negative effects on the fish population from the sales. H.R. REP. NO. 1068, 98th Cong., 2d Sess. 4 (1984). The report went on to direct the Forest Service to consider adverse effects on fish habitats in any future timber sales in the Umpqua National Forest. Id. at 4-5.

In other reports, committees have said that road- and fence-building, livestock grazing, and so on, may occur or may continue as long as these activities do not harm the wild and scenic river segments. When the Verde River in Arizona was designated, the House Interior and Insular Affairs Committee emphasized that livestock grazing that was occurring prior to designation could continue; also, flood control activities and range improvements, such as fence-building, would be allowed as long as the area was not damaged. H.R. REP. NO. 643, 98th Cong., 2d Sess. 23 (1984). When part of the Owyhee River in Oregon was designated, the House report stressed that "livestock grazing and associated ranching activities tak[ing] place on the public and private lands along the . . . corridor" could continue as long as they were consistent with river values. H.R. REP. NO. 1068, 98th Cong., 2d Sess. 3 (1984).

When the Tuolumne River in California was designated as a wild and scenic river, the Senate Committee on Energy and Natural Resources noted that the designation should not interfere with "working" activities on tributaries of the Tuolumne. S. REP. NO. 582, 98th Cong., 2d Sess. 41-42 (1984).

When segments of rivers in Massachusetts and Connecticut became study rivers, the House report directed the Secretary of the Interior to engage in a "liberal interpretation of the Wild and Scenic River Act" if drought conditions forced diversion of water from the rivers. H.R. REP. NO. 503, 99th Cong., 2d Sess. 10 (1986).

Economic interests were discussed, and given deference, in House and Senate reports and legislation that amended the Wild and Scenic Rivers Act to allow the construction of facilities on the Pere Marquette, Michigan, wild and scenic river. The facilities were being constructed to control the lamprey eel, which was endangering commercial fishing in the area. However, the House Interior and Insular Affairs Committee expressed concern that the construction do as little damage as possible to the river. H.R. REP. NO. 717, 98th Cong., 2d Sess. 1-2 (1984); S. REP. NO. 574, 98th Cong., 2d Sess. (1984).

### C. Rejection of Wild and Scenic River Designations

After committees review the impact of a wild and scenic river designation on other important interests, the committees sometimes decide against the designation. For example, after the House Interior and Insular Affairs Committee heard testimony on the importance of hydroelectric development on the Susitna River in Alaska, the full committee removed the Susitna from the list of study rivers that its subcommittee was recommending. H.R. REP. NO. 1045, 95th Cong., 2d Sess. part 1, at 125 (1979).

## VI. Conclusion

As this analysis indicates, a variety of interests may be at risk as the result of wild and scenic river designations. However, federal authority is not absolute, especially with regard to rights and uses that existed prior to designation and with regard to private land outside wild and scenic river system boundaries.

## APPENDIX A

## Statutory Exceptions to Wild and Scenic River Act Restrictions

The following statutory exceptions are excerpts from § 1274 of the Wild and Scenic Rivers Act, which designates specific wild and scenic rivers for inclusion in the act. See 16 U.S.C.A. § 1274.

"(6) Saint Croix, Minnesota and Wisconsin. . . . [mandates] a proposed cooperative agreement between the Northern States Power Company and the United States . . . providing for the use and development of other lands and interests in land retained by the company between said points adjacent to the river in a manner which shall complement and not be inconsistent with the purposes for which the lands and interests in land donated by the company are administered under this chapter." [Lands were donated by the company to be part of the wild and scenic river system; this provision pertains to lands retained by the company that were also within the boundaries.]

"(16) Pere Marquette, Michigan. . . . Notwithstanding any other provision of this chapter, the installation and operation of facilities or other activities within or outside the boundaries of the Pere Marquette Wild and Scenic River for the control of the lamprey eel shall be permitted subject to such restrictions and conditions as the Secretary of Agriculture may prescribe for the protection of water quality and other values of the river, including the wild and scenic characteristics of the river."

"(17) Rio Grande, Texas. . . . Nothing in this chapter shall be construed to be in conflict with -- (A) the commitments or agreements of the United States made by or in pursuance of the treaty between the United States and Mexico regarding the utilization of the Colorado and Tijuana Rivers and of the Rio Grande . . . or (B) the treaty between the United States and Mexico regarding maintenance of the Rio Grande and Colorado River as the international boundary between the United States and Mexico . . . ."

"(18) Skagit, Washington. . . . Riprapping related to natural channels with natural rock along the shorelines of the Skagit segment to preserve and protect agricultural land shall not be considered inconsistent with the values for which such segment as designated."

"(22) Missouri River, Nebraska, South Dakota. . . . In administering such river, the Secretary shall, to the extent, and in a manner, consistent with this section . . . (B) permit access for such pumping and associated pipelines as may be necessary to assure an adequate supply of water for owners of land adjacent to such segment and for fish, wildlife, and recreational uses outside the river corridor established pursuant to this paragraph."

"(23) Saint Joe, Idaho. . . . Notwithstanding any other provision of law, the classification of the Saint Joe River under this paragraph and the subsequent development plan for the river prepared by the Secretary of Agriculture shall at no time interfere with or restrict the maintenance, use, or access to existing or future roads within the adjacent lands nor interfere with or restrict present use of or future construction of bridges across that portion of the Saint Joe designated as a 'recreational river' under this paragraph. . . . Nothing in this chapter shall be deemed to prohibit the removal of sand and gravel above the high water make of the Saint Joe River and its tributaries within the river corridor by or under the authority of any public body or its agents for the purposes of construction or maintenance of roads."

"(24)(A) Salmon, Idaho. . . . Provided, That nothing in this paragraph shall be deemed to prohibit the removal of sand and gravel, outside the boundaries of the Frank Church -- River of No Return Wilderness or the Gospel-Hump Wilderness, above the high water mark of the Salmon River or the Middle Fork and its tributaries for the purposes of construction or maintenance of public roads: Provided further, That this paragraph shall not apply to any written mineral leases approved by the Board of Land Commissioners of the State of Idaho prior to January 1, 1980."

"(51) Verde, Arizona. . . . This designation shall not prevent water users receiving Central Arizona Project water allocations from diverting that water through an exchange agreement with downstream water users in accordance with Arizona water law."

"(53) Tuolumne, California. . . . Nothing in this chapter shall preclude the licensing, development, operation, or maintenance of water resources facilities on those portions of the . . . Rivers that are outside the boundary of the wild and scenic river area as designated in this section. Nothing in this section is intended or shall be construed to affect any rights, obligations, privileges, or benefits granted under any prior authority of law including . . . the Raker Act." [The Raker Act pertains to the authority of the Secretary of Interior to enter into contracts with irrigation districts. 43 U.S.C.A. §511 (West 1986).]

Senator HATFIELD. Thank you.

## STATEMENT OF SUE JOERGER, SOUTHERN OREGON TIMBER INDUSTRY ASSOCIATION, MEDFORD, OR

Ms. JOERGER. Senator Hatfield, my name is Sue Joerger. I'm here today representing the 130 members of the Southern Oregon Timber Industries Association. And so through its involvement in the Rogue River and Siskiyou National Forest planning process, has supported a range of management descriptions which limit timber harvesting to varying degrees on all rivers and all creeks on these two forests.

I think you have already heard Chuck Barber's testimony on the North Fork of the Smith and the Chetco River.

I'd like to add that the Forest Service has not proposed those in their preferred alternative for Wild and Scenic River designation. SOTIA has gone on record supporting designation of the Upper Rogue River corridor under the Wild and River Scenic Act. However, we are concerned with the Forest Service proposal which you have concerning your bill. We are concerned that the scenic designation may be interpreted by the Forest Service as a no development designation. And in working with our local tourism industry representatives on the draft plan, concern was expressed about the lack of future Forest Service plans to build additional campgrounds and trails in the Upper Rogue River corridor. This area particularly around Union Creek is becoming well known destination point as well as stop over point for tourists traveling to and from Crater Lake and Diamond Lake.

Tourism industry felt that more campgrounds, including both primitive and development recreational sites, should be built in the Upper Rogue River corridor. Additional trails should be built and they're very interested in a visitor center being located in that corridor.

SOTIA is concerned that a wild river designation for the 6.6 miles, excuse me. SOTIA is concerned that wild river designation for the 6.6 miles and the scenic river designation for 33.7 miles will limit future recreational development on the Rogue River corridor. So we worked with a tourist industry to come up with their own designation.

We propose to you a modified recreational river designation for the entire 40.3 miles. Purpose of the designation is to encourage recreational development and trail access consistent with the intent of the Act, while prohibiting the usual hydroelectric development and limiting timber harvesting consistent with the scenic river designation. Again our purpose is to make sure that the recreation development, the local tourism is concerned with, be built.

I'd like to briefly address the Elk River, since Senator Bill Bradbury discussed our position on it earlier. SOTIA has supported as a part of its evergreen alternative for the Siskiyou National Forest, managing this river consistent under the supplement resource designation. It is this designation that was created by the Forest Service to protect and enhance key fish and wildlife habitats, protect sensitive watershed areas and protect recreation values. And the corridor is an eighth of a mile on either side of the river and proposes, allows only minor amounts of timber harvesting. We support this designation and do not support consideration for wild and scenic river.

Thank you.

Senator **Hatfield**. Thank you.

## STATEMENT OF JIM McCAULEY, ASSOCIATION OF OREGON LOGGERS, SPRINGFIELD, OR

Mr. **McCauley**. Good morning, Senator. My name is Jim McCauley. I'm with AOL Associated.

First I'd like to thank you for allowing the association to comment on this proposal, Senate Bill 2148. AOL is comprised of over 500 contract loggers and 250 other companies that support the logging industry. In many cases it is our members who carry out the underground measures set forth in this proposal such as we are discussing today.

Our association recognizes and supports the need to protect our natural resource while providing for the economic need of industry and others.

The key requirement has to do with achieving a proper balance. It almost goes without saying that the logging industry feels that everyday brings a new challenge to the tough job of making sound economic returns on a very expensive investment needed to be made for the Congress in Oregon.

In conjunction laid on by the court threatened BLM harvest, Forest Service appeal, Forest Service timber sales, a threat, a threat to the immediate livelihood of the logging industry. And now we have a wild and scenic rivers proposal. Certainly we can support the concept involved in such a proposal. We have members that fish and raft in Oregon's rivers, also.

The question of balance however would have us ask, is it proper balance to go from some 300 miles, which is presently designated now, to 2,000 miles. This is, not only represents a significant increase in river miles but more importantly, the quarter mile corridor on either side of the river represents a vast acreage where logging and other activities would be prohibited or constrained. These restrictions would certainly impact federal lands and under Oregon Comprehensive Land Use Planning zoning laws it would impact private land as well.

Restrictions very often don't stop at the one-quarter mile limit. Invariably there will be citizens asking that this limit be extended to rest stops or even limits of a view area from a different area. It has happened in the Rogue and will certainly happen in many of the streams proposed.

We would also question the recreational designation proposed for many segments listed in the proposed legislation. All rivers in Oregon are used for recreational purposes, on both federal and private lands. Laws and regulations are in place to protect these.

Additional federal and regulations simply brings more cost to the taxpayers.

As mentioned, the national forest have just concluded the first cut on forest plans. Many of these rivers are within national forest boundaries. It will be most interesting to see what additional timber impacts will be associated with this measure.

As we understand, only 11 rivers or river segments set forth in Senate Bill 2148 are included in preferred alternatives of the draft plan. We also understand that the U.S. Forest Service as committed by the Senate Bill 2148 will impact the timber input by 3.7 million board feet annually. Which seems unrealistic for 100 miles of designation let alone 1500 miles.

In closing, AOL is very concerned about the continuing cumulative impact of not only timber values from federal and private lands but of the cumulative impact on additional regulations and land use restrictions and their costs and impacts to the forest operations.

Thank you.

## STATEMENT OF CHRIS WEST, NORTHWEST FORESTRY ASSOCIATION, SPRINGFIELD, OR

Mr. West. Good morning, Senator. My name is Chris West. I'm the Western Oregon District for the Northwest Forestry Association. Northwest Forestry Association is a trade association comprised of 75 manufacturing and forest products in forest land located within the Pacific northwest.

Our association supports the intent of the Wild and Scenic Rivers Act of 1968 in your proposed bill with a goal of protecting and enhancing unique recreation scenic and wild rivers. We support the designation of truly unique rivers so that those qualities can be maintained for future generations.

Based on our review I would like to present a few general comments as constructive input into your bill.

First of all, on the surface the proposal to increase states wild and scenic river system from 317 miles to nearly 2,000 miles may appear extravagant. Increasing the acreage of land directly affected from 100,000 acres to 600, over 600,000 acres is a half a million acre increase. Our concerns though deal mostly with the land indirectly affected by wild and scenic river designation, those lands outside the quarter mile border.

Recent history has shown us that activities adjacent to river corridor are severely restricted. Management activities have been restricted within the entire watershed as well as along tributary creeks, streams and rivers. These restrictions are placed on private as well as public lands.

Furthermore, preservationists have and will continue to use wild and scenic river classification as justification to appeal or file suit on any proposed management activity near these rivers. By only increasing rivers designated through zone to a mile and a half, this proposed bill could restrict management activity on over three million acres. Therefore the evaluation of each river designated must include the affects of management restrictions outside the designated river corridor or the bill should include special release language for management activities on these adjacent lands.

A second comment that we would like to raise deals with the timing of your proposed bill. Oregon's national forest have just completed public comment periods on their draft force plan. Final force plans are not expected till late this winter. As part of the forest plans analysis, foresters have evaluated possible designation for all candidate wild and scenic rivers located within their boundaries.

Of the 40 rivers that your bill proposes to include in the wild and scenic river system, 31 of the rivers or portions of them are included within national forest boundaries. Based on the draft preferred alternatives only 11 rivers or portions of them are recommended for designation under the Act. Furthermore, 20 rivers or portions of them all under the jurisdiction of Bureau of Land Management.

The BLM currently is starting preparations of draft management plans which will also include a comprehensive analysis of wild and scenic river candidates. Therefore, based on these facts the Northwest Forestry Association believes that the introduction of Senate Bill 2148 may be premature.

Finally, the association questions the Forest Service estimate that your proposed bill will only affect 3.7 million board feet on the annual sale program.

Senator HATFIELD. Thank you. The light is on.

I have been saving some thoughts that I wanted to express to the timber industry. And now that we've had this distinguished panel, I'd like to sort of check over my notes here and indicate to you some of my thinking.

I suppose one lives by hope, to a great degree, and I live by hope on many fronts and also not just hope but on the evidence of how things could happen, and how they have happened in the past.

I have repeated this to a number of audiences and is worth repeating. Because we demonstrated in eight years of my administration that we could build a state with greater environmental values, greater environmental commitment. We laid the foundations to enhance the foundations on cleaning up the Willamette River.

We started in my days in the legislature in 1951, state sanitary authority had no teeth. And over a period of time we built the teeth. And we saw that come to great culmination which we are all proud of.

I had the great hope that we could once again relive some of those days in developing the Scenic Wild River Bill. We conducted offshore exporation for possible oil. We did it with the cooperation of all environmental organizations because we built in a careful criteria to protect the environment. They helped in the monitoring of all oil exporation. That couldn't happen today, I don't believe.

We had the cooperation of environmental organizations and economic development in this state. And it means that everybody lined up in conformity. We had diversity of opinions but we had resolution as our objective and not confrontation and adversarial relationships. I'd really hoped that possibly this bill could help rebuild that kind of relationship between the timber industry and the environmental organizations.

I say to you in all honesty, we have more important issues that confront the future of the timber industry than this bill. And a lot of those issues have been made difficult by environmental organizations. And their use of the courts to overturn legislation. Their political constitutional right to do so. But it only illustrates the kind of adversarial relationship that exists today between the timber industry and the environmental organizations.

Ladies and gentlemen, this bill, there is no one, and I'll take my hat off to no one, to play second fiddle or second place in my efforts and my determination to help stabilize the timber base of this state. There is ample record to affirm that claim. By the same token, I have had the marvelous privilege and opportunity to put more environmental protection on the statute books than any other political person in the history of this state. I won't recite all of those efforts and all of those programs.

Let me say that I've gone further than trees and water and exotic sites and God created beauty. I've dealt with the most important environmental issue of all, nuclear power. Doesn't do much good to preserve water or trees if we are all going to be incinerated by the madness of this nuclear arms race. And I might say that I make no effort to conceal the fact that probably singlehandedly I'll take the credit for shutting down the end reactor at Hanford as one example of my battle. Of bringing some attention to the horrendous weapons systems that have been pursued by this administration, nerve gas, underground testing, flight testing, production of plutonium. And as long as I'm sitting in that particular seat, I will continue those battles on the greatest environmental issue of all, nuclear power. It's limited and hope some day to dismantle it.

Now, having said that, when I look at the fact that there are 3.7 million board feet in the totality of this bill that may be removed, and you have quoted that figure and we both understand this is a preliminary figure, that is equal to one half of an average timber sale. It also represents that if in this new request I have made, and I would welcome data from any source, and I'm sure those who will conduct it will say the same, I've asked for an impact analysis under the no change alternative. But let me tell you, even if this 3.7 million figure were to change substantially by five times, five times, it would still equal an average single sale of timber.

Now, I understand your concerns and I'm duly concerned about the shrinking timber base especially where its totally opposed to public policy as established by congressional action signed into law. And I have not hesitated to criticize the record of that Ninth Circuit or those, the abuse of citizen power. We've seen plenty of abuse of power by politicians. But let me tell you, citizen power is abused too and it was abused on that day that they filed over 200 appeals on timber sales that were obviously frivolous, obviously without merit and even the Ninth Circuit in its most outlandish kind of interpretation or lack of interpretation of law has taken the action to kick out at least 200 of them.

Now, let me say that even at this time it seems to me that we have to recognize that not only must we try to stabilize the timber base of this state but water management is related to forest planning but it is an issue that must be separately considered.

I still say that the greatest domestic crisis we face for the future is water. And we have fiddled and fiddled along on not having a comprehensive water policy in this country. And when you look at the aquifer that supports 13 major bread basket states of this nation and how it's dropping at rapid rates, you look at Pacific southwest, you look at those water tables, you look at the fact that this year in the springtime will be a crisis facing our water migration of our fishery resource in the Columbia River, and we'd better be about the business of water analysis. And that crisis just will not wait for our political activists to come to its senses. We've got to take some radical action to deal with that issue.

Now, therefore, it seems to me, our comprehensive water and river system management frame work for Oregon is a very good first step. And that's what this is all about. This is far more important than just recreation, scenic and wild river values. This is part of a major step to start a comprehensive water analysis and water study of our state. So it has a very, very, very broad significance, I feel.

I really want to tell you, I still expect to see you people in the industry realize that we can't fritter out the ammunition and the efforts on every front that comes along. We've got to concentrate our effort and I expect one of these days, before this bill is completed, to have your endorsement of this bill. I want that endorsement. And then I hope that on some of those future battles we are going to have to fight to keep this state economy going and the other economic needs that we can expect some of the environmental organizations to rise above their myopic perspectives.

I've said that this whole issue is far more than the symbolism of chain saw in one hand, the padlock on the other. And if I hadn't seen and experienced eight years of governorship where we had that kind of activity where they sat down together, Tom Williams remembers it back in Washington. One time in my 20 years of Congress I think it was one time, Tom, that we had the environmental organizations and the timber industries representatives sitting down at the same table supporting a comprehensive balanced budget for the resource needs and for the environmental needs. They came in and demonstrated their abilities to come to common understanding. And that was a thrilling experience to see timber people, Sierra Club, all the other environmental organizations sitting there at one table supporting the budgetary process, going to help in broadening the base of our timber management programs and all of the other natural resources. It can be done.

I'm fed up, frankly, with this kind of petty bickering between two very important segments of our State of Oregon. I sometimes think there must be some kind of a secret jolly getting on some parts of some people on the way they maintain the adversarial attitudes. I think sometimes people are getting paid for their activities and they begin to see it as a self-interest to perpetuating their jobs in whatever organizations they represent, both sides.

As I say, I know that I've been pounding the environmentalists on this trip to southern Oregon on all of their obstructionism and their lack of sensitivity to people who have jobs and who have children to support. I wish they'd get out of their ivory towers sometime and out of their canoes and get into some of these mills and talk to some of these people who are looking at their timber supply only to September. And as they asked me yesterday in Glendale, what about our jobs after September when the, the court has frozen the BLM future sales. And then to hear some of them say oh, they have got a pipeline of thousands of sales into next year. Baloney. That's misrepresentation. I wish some of them would get into some of these state communities that have a one mill economy, one mill economy. And that mill economy is limited to the supply of federal land sales and ask those people who have two, three children, who may not have the skills to go out and find jobs and you're in the urban cities where most of these people live.

I consider myself an environmentalist, but I get very tired of the professionals in a lot of organizations at times who look into their job and having a very narrow perspective. I get tired of it in religions. They're no different than the right wing and my party. Everything is black and white, either or. They can't get beyond that kind of extremism to get to a middle ground of a balance. And I say to you, in just talking about balance, I think we have 43 percent of the timber land in this state withdrawn for wilderness. And to me that's a good example of balance. And when I look at 3.7 million board feet being withdrawn in addition to the 43 percent, I don't think that's balance, I don't think that hurts the balance.

Gentlemen, we have 317 miles of 90,000 miles of river in this state that we've withdrawn, so-called withdrawn in a sense to declare a scenic wild river. And adding it up to 2,000 out of 90,000, I don't think has even reached an assemblance of balance.

We want to talk to the environmentalists about balance between timber production and other uses of the timber forests on a multiple-use. We can't talk to them about balancing on that front if then we are in a situation where we are so out of balance on a scenic wild river.

Now, I've gotten it off my chest. You have been very thoughtful.

Mr. Bob Rafalovich, Ms. Mary Thomason, Ms. Patricia Lee and Ms. Diane Coogle.

You may proceed.

## STATEMENT OF DIANE COOGLE, ROGUE GROUP, THE SIERRA CLUB, APPLEGATE, OR

Ms. Coogle. I'm Diane Coogle. I'm Chair of the Rogue Group of the Sierra Club, representing the 750 Sierra Club members from Ashland to the coast including Josephine, Jackson and part of Curry Counties.

When David Brower, former Sierra Club president and defender of many rivers, was asked why conservationists were always against things, he answered if you're against the dam, you are for a river. I'm glad to see, Senator Hatfield, that you are for the rivers of Oregon. I'm glad to hear you speak passionately for those rivers saying that you're interest and love for them, like mine, runs as long and deep as the rivers themselves.

I'm glad to see you introduce this Omnibus Wild and Scenic Rivers Bill to the Senate, a bill that acts for the rivers.

We in Rogue Group wholeheartedly agree with this bold move and appreciate your motivation to complement the national policy of dam and other construction on rivers with the policy to preserve some rivers as the treasures they are in their free flowing state.

Many of us in the Rogue Group know our local rivers personally. We appreciate their scenic value, the recreational opportunities, their fish and wildlife habitats. The Rogue, the Illinois, the Smith, the Applegate and others, we've canoed them and rafted them, hiked through their canyons and forests and camped by their shores. We've swam in them and fished in them, have seen bears fishing in them and eagles flying over them.

In protesting the dams, mining activities and timber sales that threaten them, we have fought for them. We know our rivers. The popularity of a recent series of Sierra Club hikes along the Upper Rogue proves local citizens' love for and dedication to this river.

We would like to see the upper 6.6 miles of the Upper Rogue from the headwaters to bridge 6530 designated wild with the remaining 33.7 miles to School Marm Creek designated scenic. This protection would reduce the threats from poor logging practices, mining activities and dam construction, preserving its important section of this valuable river for its scenic, recreational and fish and wildlife qualities.

Federal Wild and Scenic status is the best protection possible for our rivers. It's the only protection which prohibits dams and water projects. The only way to regulate timber harvest, road building, grazing, stream side development and other activities on federal lands so as to preserve the rivers outstanding qualities.

All of Oregon's most threatened and beautiful rivers should be included in this bill. I'm glad to see the Upper Rogue, Umpqua, North Fork, Smith, among others, my favorites, but I strongly urge the addition of the Sandy, Elk, North Fork and Middle Fork, Willamette, Steamboat Creek and Upper Klamath, which with the ax of Salt Caves Dam hanging close over its neck is especially in need of immediate and inclusive protection.

It's exciting to think how this bill could change the nature of river protection not only in Oregon but nationwide.

I'm going to have to stop because the red light has come on. I just want to thank you for giving me this opportunity to speak for Oregon's rivers.

Senator HATFIELD. Thank you. I appreciate your testimony.

## STATEMENT OF BOB RAFALOVICH, ROGUE WILDERNESS, INC., GRANTS PASS, OR

Mr. RAFALOVICH. My name is Bob Rafalovich. I'm owner of a company called Rogue Wilderness, Incorporated. I'm a river outfitter. I'm also President of the Grants Pass Chamber of Commerce, although I'm not speaking on their behalf at all.

I just would like to say that I'm a strong supporter of your Senate Bill 2148.

I'd also like to say that I would like to see the Elk River included as part of that because it's a very important watershed that should be protected.

I feel the economy in southern Oregon is being impacted very positively by recreational base tourism and a lot of that focus is around our rivers. The river industries are growing here in terms of tourism, bringing large amounts of money during the season to the area. But I also feel environmentalists have very strong feelings about the multiple-use concept. And I think the timber industry has some very valid concerns with a lot of things that are taking place.

However, I do feel Senate Bill 2148 addresses a lot of concerns and I think it should. I'm very much in favor of it.

Thank you.

Senator **Hatfield**. I am not sure if I said your name correctly.

Mr. **Rafalovich**. Yes, you did.

Senator **Hatfield**. Not everybody does that. It's only because I'm married to a similar i-c-h.

## STATEMENT OF PATRICIA LEE, OREGON TROUT, IDLEWYLE PARK, OREGON

Ms. **Lee**. Senator Hatfield, my name is Patricia Lee. I'm a resident of the North Umpqua River and Southern Oregon Director for Oregon Trout.

I'm here today to support the inclusion of the North Umpqua River and Steamboat Creek in the Wild and Scenic Rivers Bill.

The Forest Service has evaluated the North Umpqua River and found it to be eligible under recreational classification. They recommend the North Umpqua River for designations from Soda Springs to Rock Creek in their draft of environmental impact.

Under the present land use Land Resource Management Plan, and in the U.S. Forest Service Preferred Alternative, the North Umpqua corridor within the forest boundary is scheduled for timber management under a retention and partial retention visual prescription with the stream side buffer zone being the only area of preservation.

The State of Oregon in its review of the Forest Service's DEIS said that recreation and tourism was second only to timber and they addressed the fact that the loss of this valuable corridor could have a negative impact on tourism in the county. And the Douglas County Comprehensive Plan addresses the importance of timber in Douglas County but it also stresses the importance of tourism in the North Umpqua corridor.

Without recreational designation for the North Umpqua River we have no guarantees the beauty of the North Umpqua corridor will be preserved and the continuance of the tourist industry will be in doubt.

Under Congressional mandate PL98-494, Steamboat Creek was to receive special management to conserve, protect and enhance the anadromous fish habitat and population. Steamboat Creek provides habitat for the greater portion of the wild anadromous fish entering the North Umpqua drainage. I'm extremely concerned with the Forest Service's decision not to include Steamboat Creek in the endorsement for wild and scenic designation and to manage the Steamboat RSA almost entirely for intensive and semi-intensive commercial timber harvest. I am asking you, Senator Hatfield, to include Steamboat Creek and its tributaries in consideration in this bill.

Finally I'd like to commend you on this landmark legislation.

Thank you.

[The prepared statement of Ms. Lee follows:]

My name is Patricia Lee and I am a resident of the North Umpqua area and the Southern Oregon director for Oregon Trout. I am here today to support inclusion of The North Umoqua River and Steamboat Creek in the Wild and Scenic River Bill.

The USFS has evaluated the North Umpqua River and found it to be eligible under a recreational classification. They recommend the North Umpqua for designation from Soda Springs to Rock Creek in their DEIS. Under the present Land Resource Management Plan and in the USFS Preferred Alternative the North Umpqua Corridor is scheduled for timber management under a retention/partial retention visual prescription with the streamside buffer zone as the only area of preservation. The State of Oregon in its review of the USFS DEIS and Douglas County in its Comprehensive Plan have addressed the importance of the North Umpqua Corridor in regards to its value to tourism. Without a Recreational designation for the North Umpqua River we have no guarantees the beauty of the North Umpqua Corridor will be preserved.

Under Congressional mandate PL98-494 Steamboat Creek was to receive special management to "conserve, protect and enhance the anadromous fish habitat and population." Steamboat Creek provides habitat for the greater portion of the wild anadromous fish entering the North Umpqua drainage. I am extremely concerned with the USFS decision not to include Steamboat Creek in an endorsement for Wild and scenic designation and to manage the Steamboat RSA almost entirely for commercial timber harvest. I am asking Senator Hatfield to include Steamboat Creek and its tributaries in the Bill.

Finally I would like to commend Senator Hatfield on this land mark legislation and further encourage the designation of both the North Umpqua River and Steamboat Creek as Wild and Scenic Rivers.

Thank You

Patricia Lee

Patricia Lee

PATRICIA LEE
PO BOX 207
IDLEYLD PARK, OR
97447

Senator HATFIELD. Thank you.

### STATEMENT OF MARY THOMASON, GALICE RESORT, GALICE, OR

Ms. THOMASON. My name is Mary Thomason. I have a resort business out of the Rogue River. I want to thank you for introducing this bill. I'm going to be real brief.

As a business person in an area that is covered by the wild and scenic rivers, I can tell you first-hand, what an advantage it is. Our place is a main meeting place for people on the Rogue River that's covered in the wild and scenic area. We have a heavy volume of people everyday. Almost everyone who comes through our doors comments on what a beautiful area we have down there. I believe it is still like that only because of the wild and scenic regulations. There are those otherwise who would turn every place down there into a commercial establishment and it would look like a downtown area.

To me as a business person and as a resident, this is the most beautiful part of southern Oregon. I have talked to most of the private owners down there on their feelings of being in a wild and scenic area with so many regulations that they have to follow. And they all tell me the same thing, they wouldn't want it any other way.

Senator HATFIELD. I thank you. I thank you all.

Ms. Ann Morrison, Mr. James Nielsen, Mr. Ernie Rutlege.

You may begin.

### STATEMENT OF ANNA MORRISON, CITIZENS FOR PERPETUAL RESOURCES

Ms. MORRISON. Good morning, Senator Hatfield.

Senator HATFIELD. Good morning. Would you pull the microphone right up close to your mouth.

Ms. MORRISON. Ready?

I want to thank you for allowing me to testify today. I am Anna Morrison, Secretary for Citizens for Perpetual Resources. Citizens for Perpetual Resources is an organization of individual citizens, small business owners and citizen groups in the State of Oregon that believe in the multiple-use concept of managing public lands. We believe in sensible resource management. And that there is and should continue to be a balance between man and the environment. We depend on the rivers of Oregon for our livelihood as well as for recreation and solitude.

We would like to address concerns we have regarding Senate Bill 2148 entitled Omnibus Oregon Wild and Scenic Rivers.

Our ancestors had a dream to live in a land of freedom. Freedom to own and work their own private land. Freedom to enjoy the use of these public lands as their own. However, the passing of this bill, we feel, will destroy this dream. The freedoms of the majority are being jeopardized constantly by a mass movement of antigrowth extremists. The multiple-use concept has lost its meaning.

Pressures from this movement have caused legislators to bend, we feel, unnecessarily, to their demands. Legislators should come out and find out first-hand on what the little small people really feel.

Bills such as the Wild and Scenic Rivers Act has a potential of removing countless acres of federal lands from public access. The rancher, the miner, the timber producer, rural home and cabin owners, family recreationists and a host of other multiple users will be forcibly locked out.

Adding a river, as you know, to the Federal Wild and Scenic River systems sets aside a federal park and an area of land one half mile wide through which the river flows. Within these park corridors timber harvests and roads are either severely restricted or prohibited. These corridors will include private lands as well as lands in Oregon's 13 national forests.

Currently, the national inventory of wild and scenic rivers is comprised of 65 river segments.

Senator, your bill will designate 45 additional. The President's Commission on the American Outdoors has recommended massive increases of up to 2,000.

In your speech on the Senate floor, you state, and I quote:

> I have every intention of examining rivers other than those included in this proposal for possible inclusion at a later point in time.

When will this be in? Why do we need this many rivers designated? Are we really concerned about clear water and fish habitat? Do you really believe that this type of legislation will improve water quality? Or are the true reasons being disguised to drive multiple-users off of federal lands to meet the greed of a certain few? Who will really benefit from these designations?

Day after day we hear varying excuses to lock up more public lands. While these proposals are usually cloaked in recreation cover, they are actually anti-recreation for most Americans. The handicapped, elderly, children, families and those that do not wish to backpack are having their recreational opportunities closed.

[The prepared statement of Ms. Morrison follows:]

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A Northwest Alliance of Organizations, Businesses and Individuals dedicated to community stability through sensible resource management.

# STATEMENT FOR THE RECORD

OF

ANNA MORRISON

SECRETARY

CITIZENS FOR PERPETUAL RESOURCES

ORAL COMMENTS

SENATOR HATFIELD'S FIELD HEARING

JUNE 1, 1988

S.2148 OMNIBUS OREGON WILD AND SCENIC RIVERS ACT

Good morning and thank you for allowing me to testify today.

I am Anna Morrison, secretary for Citizens for Perpetual Resources. Citizens for Perpetual Resources is an organization of individual citizens, small business owners and citizen groups that believe in the multiple-use concept of managing public lands. We believe in sensible resource management and that there is and should continue to be a balance between man and the environment. We depend on the rivers in Oregon for our livelihood as well as for recreation and solitude.

We would like to address concerns we have regarding Senator Hatfield's Bill #2148 entitled Omnibus Oregon Wild and Scenic Rivers Act.

Our ancestors had a dream to live in a land of freedom! Freedom to own and work their own private land, freedom to enjoy the use of public lands as their own. However, the passing of this bill will destroy this dream. The freedomsof the majority are being jeopardized constantly by a mass movement of anti-growth extremists. The multiple-use concept has lost it's meaning. Pressures from this movement have caused legislators to bend unnecessarily to their demands. Legislators should come out and talk to the farmers, foresters, and small business owners. These are the people who make up the bulk of their constituents. Find out first hand how they feel about the invasion of their property rights.

Bills such as the Wild and Scenic Rivers Act has the potential of removing countless acres of federal lands from public access.

The rancher, the miner, the timber producer, rural home and cabin owners, family recreationists and a host of other multiply users will be forcibly locked out. Adding a river to the Federal Wild and Scenic Rivers System sets aside as a FEDERAL PARK an area of land one-half mile wide, through which the river flows. Within these park corridors , timber harvest and roads are either severely restricted or prohibited. These corridors will include private lands as well as lands in Oregon's 13 national forests.

Currently, the National inventory of Wild and Scenic rivers is comprised of 65 Rivers and river segments. Senator Hatfield's bill will designate 45 additional rivers or 800 square miles of new parks to this National total. In his speech on the Senate Floor March 3, 1988, Senator Hatfield states and I quote,"I have every intention of examining rivers other than those included in this proposal for possible inclusion in the bill at a later point in time." The President's Commission on the American Outdoors (PCAO) has also recommended massive increases of up to 2000 Wild and Scenic Rivers by the year 2000.

When will this "taking" end? Why do we need this many rivers designated Wild and Scenic? Are we really concerned about clean water and fish habitat? Do you really believe that this type of legislation will improve water quality and fish habitat or are the true reasons being disguisedtodrive multiple-users off of federal lands to meet the greed of a certain few. Who will really benefit from these designations?

Day after day, we hear varying excuses to lock up more public lands. While these proposals are usually cloaked in a recreation cover, they are actually anti-recreation for most Americans. The handicapped, elderly, children, families and those that do no wish to use a backpack are having their recreational opportunities closed. Bills such as this fail to pay attention to the needs of local communities, landowners and local government. Millions of acres will be removed from the tax rolls throwing the burden of supporting necessary community services on property owners. PLEASE NO MORE WILD AND SCENIC RIVER DESIGNATIONS!

Senator HATFIELD. Thank you. You posed a lot of very legitimate questions in your testimony. And I want to assure you that we are going to seek to answer all those questions and many others that have been raised in other areas. In fact, because of your location, we are going to have representatives of a number of the members of Congress, staff and those who have helped me on the bill and are intimately involved and committed to the details of the bill, along with representatives of the federal agents meeting in Waldport and a meeting in Corvallis. The meeting in Corvallis is June 7th from 7:00 to 10:00. And the one in Waldport is June 29th, from 7:00 to 10:00 in the evening. The locations are at Stewart Center on the Oregon State Campus and at the elementary school in Waldport.

So I just want to assure you that we are going to try to answer those very legitimate questions.

Ms. MORRISON. Thank you.

## STATEMENT OF ERNIE RUTLEGE, AGNES, OR

Mr. RUTLEGE. Senator, I'm Ernie Rutlege from Agness, Oregon. You and I have had big long correspondences.

Senator HATFIELD. I have a whole file of your letters.

Mr. RUTLEGE. Yes. How about that? Well, anyway, many of these have been related to wild and scenic rivers, some good, some bad. Mostly bad, I think.

Some 25 years ago, my father, Fritz Rutlege and Mike McGlockery sat here, and I sat down and whipped up a proposal for what we call wild and scenic river now and eventually it turned into something like this. And sometimes I get a twitch. And right now I've got one about this piece of legislature. Maybe its, and maybe you can answer it and probably will answer it.

Right now the Illinois River is a brand new wild and scenic river without fiscal funding to go out and buy those scenic easements that make it possible to administer the thing. And the Rogue, of course, we've been all through that process. We are about done, I think, that Mr. Coffman mentioned, there are probably four sites that are completely in now.

Well, what happens when you don't have the funding at the time you get a wild river, is that all kinds of new activity show up which don't seem to quite comply with the management plans. And the administrative agencies can't quite get a handle on it so that's one of the things I would really like to suggest is that right along with passage of such an act, funding and get the thing to working along with it.

I guess I've run out of time already.

Senator HATFIELD. No, you have a red light. You have till the red light comes on.

Mr. RUTLEGE. Another thing, federal government in this Wild and Scenic Rivers Act doesn't provide for all of these little things like emergency services that the counties have to provide for the people that are there. Now, many of those people aren't there on commercial type trips. They're just in from the outside world. And all of a sudden the local people living in the middle of the wild river have to either voluntarily provide services for people or else they go without.

Well, now someway the federal government should share some responsibility if they bring the people to us through advertising. Now, in our case down in Agnes, most of the commercial businesses put on our own emergency services the best we can and the property owners and other people help us. But, I don't think that that's really the complete load, that the federal government is responsible for on this thing. After all, we live there. We didn't really, in many cases I did but the other people didn't ask for people to be there. So it's a toughy.

Anyway, I've run out of time and any time I can share my time or my thoughts, feel free to call.

Senator HATFIELD. We appreciate you as a resource and as a friend.

## STATEMENT OF JAMES NIELSEN, NEWPORT, OR

Mr. NIELSEN. Senator Hatfield, people in the audience, I'm the inventor. I have invented several products in the United States and I also give EP registration and I do my own work and I work for—

Senator HATFIELD. Excuse me, would you state your name for the record.

Mr. NIELSEN. Pardon me, James Nielsen, Newport, Oregon. Doing research in Crescent City now.

I have something that will be of benefit to the City of Grants Pass and Medford, possibly even L.A. It's a total emission, a unit for grasping, there will be no smoke in the atmosphere. These are some of the products I work on. These are some of the products I would like to manufacture out in Alsea, Oregon.

I find I cannot manufacture these products in Alsea, Oregon if this act were passed. I understand that I might be plagued with the possibility of being condemned on my property and unless it was written and placed before me, nor would, I would not build. I would have to have that in writing.

I resent the ploy of some special interest groups to tell some of the people in the Alsea area that they have not protected their river over the years. We have farmers out there that have been out there for 50 years or so, and they have done a darn good job of protecting their rivers, the river way in Alsea.

I would challenge Senator Hatfield, and Senator Packwood to please notify by U.S. mail all people on all the rivers that would be affected by this proposal. And as you know, I'm not saying who is doing this, but I would say representation without notification is Socialism.

What it all boils down to is, if we the people want to include the river in the act then we should be the ones to propose it. This would be the largest take-over of rivers in the country. It would stretch approximately from Portland to Washington, D.C. if ORC had its way. It will be approximately five times as large as Crater Lake National Park. It would, and if you incorporated all of the recommendations from some of these interest groups, it would be as large as Grand Canyon. I don't know if we can afford that here in this country.

Since when did the river and ORC need federal protection? I've walked down that river, got crawdads on it, I have intentions of raising sturgeon on an offshoot of it.

What I think what will happen here is that if we lose the pursuit of happiness to control our property within the Alsea area, then it's going to jeopardize us, it's going to deprive us of our use of our land to control it totally. So I would say I and 3,127 signatures handed to you, Senator Hatfield, by Dr. Studebent in Bend.

Again, I want to thank you for this time and we don't want to see our river in Alsea socialized, especially the Alsea unless you can give it to me. Then it would not be condemned. And I might become your proponent if I knew for a fact that this property would not be condemned because I just love that area. It's really conducive to research.

[The prepared statement of Mr. Nielsen follows:]

JAMES W. NIELSEN

NO S.B. 2148
for
Alsea River

James W. Nielsen

P.O. Box 6669
Brookings, Oregon 97415

Justice is the supreme factor here; I can Invent new and better products for man kind along the Alsea River and I can employ people, all this I can do if I follow the letter of the law.

If I were on the Rogue River, I would not have the liberty to produce goods like I could on the Alsea. Because the law today conflicts between the Alsea River and the Rogue River under the Federal system.

Take heed, the people of the Alsea River have protected and maintained the River and kept it from Spoil.

The PLOY by some legislative and Special interest groups to save the Rivers are misleading and rather cryptic.

We would challenge Sen. Hatfield and Packwood in this way; "PLEASE NOTIFY BY U.S. MAIL ALL THE PEOPLE ON ALL THE RIVERS WHO WILL BE AFFECTED BY THE PROPOSAL OF THIS ACT....WHAT CAN IT HURT?"

As you know "REPRESENTATION WITHOUT NOTIFICATION IS SOCIALISM." What it all boils down to is...if we the people want to include the River in the Act then we should be the ones to propose it.

This will be the largest take-over of land in the UNITED STATES for Rivers. More than a MILLION ACRES. 2,907 miles of Rivers that would stretch from Portland to Washington D.C.

It will be 5 times larger than Crater Lake National Park. This will be the largest National Scenic River and Riverways in the United States. Fact is if ORC has its way, the Oregon system will be larger than all of the National Scenic Rivers put together and if this is Passed it will be almost as large as the Grand Canyon in Arizona.

I don't want to see any special interest groups on my ballot nor do I want them representing my interest. Fact is, if I were a Senator I would fire the whole lot.

Since when did our River need Federal Protection? PROTECTION! FOR what, why we should be protected against the special interest groups who will brutalize and fable us into socialism.

Liberty, equality and Justice. We observe the sovereignty of truth and the soverignty of Justice, as it regulates our thinking about Liberty and equality. We rightly regard liberty and equality as highly desirable goods. So I say to Sen. Hatfield and Packwood; THE PURSUIT OF HAPPINESS IS THE GOOD IN DOING, TO ACT RIGHTLY IS GOOD, So vote NO on the ACT.

Other wise we will suffer serious deprivations of our land on the River, you will take the local incentive away from the people to protect the River.

I and the 3,127 sigmatures handed to you by Mr. Steut in Bend again want to thank you for this time, and please vote NO ON SOCIALIZATION OF THE OREGON RIVERS...ESPECIALLY THE ALSEA RIVER.

Senator **HATFIELD**. I hope we can bring grounds of your support.

Now I'd like to invite Mr. Christopher Bratt, Mr. Glenn Welden, Ms. Carolyn Osborne, Mr. Jim Van Loan, Mr. Trenor Scott and Ms. Mary Carpelan.

Who begins?

## STATEMENT OF CHRISTOPHER BRATT, GRANTS PASS, OR

Mr. **BRATT**. My name is Christopher Bratt. I'm the representative of the Headquarters Organization here in Grants Pass. I'm probably considered one of the preservationists.

Senator **HATFIELD**. Very good.

Mr. **BRATT**. First I would like to thank you for your candidness about all the issues. And have some disagreements with them and our organization might, but in general we certainly agree with the thrust of your bill. And would like to see it passed. And will undoubtedly support it.

We would also like to see rivers like the Elk and the Klamath. And I personally, since I live on it, would like to see the Applegate looked at as well. And the Rogue River Forest didn't look at that river for awhile in scenic designation. But did recommend that there were some parts that might be available.

I'd like to, rather than deal with specifics around the rivers or your bill, I'd like to comment briefly on some of the things that this might do in addition to things you mentioned.

We too are very interested in what we would consider negotiation or getting together with the timber industry and coming together with some allowable cut and allowable harvest that would be amenable without taking every last tree. And we would in feeling that, we also feel that the timber industry at this period is not willing to do that. That might be a problem of getting together.

Senator **HATFIELD**. Maybe I can help set the environment and circumstance.

Mr. **BRATT**. That was my point. I might suggest that by virtue of these hearings I think you are in essence setting that climate and I was happy to hear what you had to say about both sides, although I don't necessarily entirely agree with it.

Senator **HATFIELD**. You only agree to what I said about the other side.

Mr. **BRATT**. No, I think it was pretty even.

Senator **HATFIELD**. I try to keep it that way in spite of any disagreement with any of you.

Mr. **BRATT**. I would just like to add that if we look at this in a larger picture, and I think you must be aware of it, that 3 to 5 percent of our country is now protected in some fashion, the ground in our country including the rivers, that includes all the wilderness areas, that includes all the national parks, wild and scenic rivers, etc. With only that percentage, we here in Oregon and the northwest have an advantage, as you said, I think 43 percent or 48 percent of the land in some kind of federal management or protection. That means that we have in essence the real crown jewel of the country here. I think that we really should take advantage of it and I again applaud you taking the initiative in doing this.

And I think I can speak for my organization, we will make an effort to work with you on this bill and on other subjects.

Thank you very much.

Senator HATFIELD. Appreciate it.

## STATEMENT OF GLENN WELDEN, IZAAK WALTON LEAGUE OF AMERICA, GRANTS PASS, OR

Mr. WELDEN. Senator Hatfield, my name is Glenn Welden. I reside at 731 Northwest Midland Avenue, here in Grants Pass.

I am president of the Beaver All-State Chapter of the Oregon Division of Izaak Walton League. I'm also on the Oregon Division's Executive Committee. Our chairman of our Inland Rivers and Lakes spoke to you or at the hearing in Oregon City. So therefore I'm going to keep my remarks brief.

We appreciate this opportunity to appear before you to state that we are in favor of Senate Bill S. 2148. We applaud you, Senator, for your leadership in introducing this Omnibus Oregon Wild and Scenic Rivers Bill. We feel that it will give the protection of many of Oregon's outstanding and important rivers.

The Oregon Division feels that this legislation is certainly due as it has been 20 years since the National Wild and Scenic Rivers Act was created and all that time, as you know, only portions of four rivers have been so designated in this state.

The Oregon Division recommends that S. 2148 include four additional rivers that are presently contained in House Bill HR 7164. Those are portions of the Sandy, and the Elk, which Senator Bradbury very aptly outlined, the North and Middle Fork of the Willamette and the Steamboat and Steamboat Creek.

Your remarks previously about the Willamette were most in order. As I grew up in Oregon I remember the condition of that. We feel that North and Middle Fork play a very important part in keeping that system such as it is now.

The Izaak Walton League, as you know, has been in existence for 67 years. And its real concern was the water resources, that's why it was founded back in 1922. We have a long historical interest, concern and involvement in the management of this nation's waters.

We believe S. 2148 is a necessary legislative action needed to provide protection of these rivers who provide clean water and that their scenic recreational and fish and wildlife values be maintained for this and future generations.

I appreciate your remarks that you made earlier. And as you well know, that our organization is a middle of the road conservation group and we are for multiple-use.

We thank you again for this opportunity.

Senator HATFIELD. Thank you.

## STATEMENT OF CAROLYN A. OSBORNE, KALMIOPSIS AUDUBON SOCIETY, WEDDERBURN, OR

Ms. OSBORNE. My name is Carolyn Osborn. I am here this morning to represent the views of Curry County's Kalmiopsis Audubon Society.

There are three rivers in Curry County which we feel should be included in your bill, Senator Hatfield. These are the Elk, the Chetco and the North Fork Smith. These rivers are an integral part of the ongoing vitality of the county. Not only does the health of the fisheries play an important role in the economic base of the area, but also the scenic beauty and differing recreational diversions will continue to be a drawing card for people from all over the United States.

We are asking that all of the North Fork Smith from the Oregon-California border to the headwaters be included in the Federal Wild and Scenic River System. Since the lower part of the river in California is already designated wild and scenic, we believe that it's important to protect the river's water quality. The North Fork Smith is quite remote and offers real wilderness experience to those who would visit it.

The Elk River in northern Curry County should definitely be included in this bill. The Elk supports a world class salmon and steelhead fishery. It is not only the wild fish of the Elk River about which we are concerned. The Elk River Fish Hatchery produces approximately 700,000 salmon every year. These fish are released into both the Elk and Chetco Rivers. In order to successfully raise these fish, each pond of the Hatchery uses 450 gallons of water per minimum. There are 24 ponds in the hatchery complex. And at low flow in the middle of summer, one half of the river water runs through the hatchery ponds. The ideal water temperature for raising Chinook is between 55 and 60. Already the highest summer water temperature at the hatchery is 66 or 67. If shade cover of the upper river is lost, the temperature of the water would raise above this and hatchery would no longer be able to produce healty fish.

Kalmiopsis Audubon recommends that the Elk River be included from the fish hatchery to the headwaters of both the North and South Forks.

Each year 300,000 salmon smolts from the Elk River Hatchery are released in the Chetco River. This substantially contributes to the fishing income of Curry County. The percentage of fish caught per fish raised in the Chetco is much higher than in any other small coastal river. In addition, the steelhead produced by the Chetco are prized above others in their size and quality.

The Chetco is heavily used by both residents and tourists for fishing during this winter and swimming in the summer. It is a very popular camping river. Kalmiopsis Audubon recommends designating the Chetco as wild and scenic from the headwaters down to the Forest Service boundary.

Each of the three rivers described above offers quite diverse recreational opportunities. Each is very beautiful and flows through stands of old-growth timber. The chance to view the old-growth is becoming increasingly rare, yet increasingly in demand. Clearly, these rivers merit inclusion in the National Wild and Scenic River System.

We thank you for making this possible.

[The prepared statement of Ms. Osborne follows:]

KALMIOPSIS
AUDUBON
SOCIETY
P.O. Box 222 Wedderburn, Oregon 97491

Testimony of Carolyn Osborne, President, regarding
S.2148, the Omnibus Oregon National Wild & Scenic Rivers Bill
Field Hearing June 1, 1988 Grants Pass, Oregon

(My name is Carolyn Osborne. I am here this morning to represent the views of Curry County's Kalmiopsis Audubon Society.) Our 150 members include people from every aspect of life in our county. We have commercial fishermen, Forest Service employees, teachers, and store owners among them. Some of these people have families who have been here for generations; others have recently retired here because of the opportunities the area offers.

(There are three rivers in Curry County that we feel should be included in your bill, Senator Hatfield. These are the Elk, the Chetco, and the North Fork Smith. These rivers are an integral part of the ongoing vitality of the county. Not only does the health of the fisheries play an important role in the economic base of the area, but also the scenic beauty and differing recreational diversions will continue to be a drawing card to people from all over the United States.

We are asking that all of the North Fork Smith from the Oregon-California border to the headwaters be included in the federal Wild & Scenic Rivers System. Since the lower part of the river in California is already designated Wild & Scenic, we believe it is important to protect the river's water quality. The North Fork Smith is quite remote and offers a real wilderness experience to those who would visit it.

The Elk River in northern Curry County should definitely be included in this bill. The Elk supports a world class salmon and steelhead fishery.) At the Elk River Fish Hatchery, they measure an average of 123 inches of rain a year. Imagine the rain in a 100 year flood! The geology of the upper Elk River is extremely unstable. Any year of excessive rainfall triggers small landslides. Logging on this type of ground within a quarter mile of any stretch of the upper river would surely cause lasting damage to the fisheries in the event of exceptionally high water. This damage takes several forms. One is erosion from ground disturbance from logging operations. The silt that flows into rivers causes the gravel beds to become clogged and the smolts in the beds to die of suffocation. Another is landslides partially caused by or enlarged due to loss of the root systems of trees and brush that hold the unstable steep slopes in place. Not only do these landslides dump an enormous load of debris into the water system, but they can also widen stretches of the river. The widening of the river exposes the water to the sun and may cause a dangerous rise in the water temperature, which can cause disease and death to the wild fish in the river.

It is not only the wild fish of Elk River about which we are concerned. The Elk River Fish Hatchery produces approximately 700,000 salmon every year. These fish are released into both the Elk and Chetco Rivers. In order to successfully raise these fish, each pond at the hatchery uses 450 gallons of water per minute. There are 24 ponds in the hatchery complex, and at low flow in the middle of summer, one-half of the river water runs through the hatchery ponds. The ideal water temperature for raising Chinook is between 55° and 60°. Already, the highest summer water temperature at the hatchery is around 66-67°. If shade cover of the upper river is lost, the temperature of the water will rise above this, and the hatchery will no longer be able to produce healthy fish.

Kalmiopsis Audubon recommends that the Elk River be included in S.2148 from the fish hatchery to the headwaters of both the North and South Forks. In Congressman Peter DeFazio's House Bill 4164, the section from Butler Creek to the forks is designated Recreational. We suggest that in the Senate Bill it be designated Scenic, since, although it is possible to see the river from the road, it is not possible to see the road from the river, which is the criteria in the law.

Each year 300,000 salmon smolts from the Elk River hatchery are released into the Chetco River. This substantially contributes to the fishing income of Curry County. The percentage of fish caught per fish raised in the Chetco is much higher than in any other small coastal river. In addition, the steelhead produced by the Chetco are prized above others for their size and quality.

The Chetco is heavily used, by both residents and tourists, for fishing during the winter and swimming in summer. It is a very popular camping river. Kalmiopsis Audubon recommends designating the Chetco as Wild & Scenic from the headwaters down to the Forest Service boundary.

Each of the three rivers described above offers quite diverse recreational opportunity. Each is very beautiful and flows through stands of old-growth timber. The chance to view the old-growth is becoming increasingly rare, yet increasingly in demand. Clearly, these rivers merit inclusion in the National Wild & Scenic Rivers System. We thank you, Senator Hatfield, for making this possible.

Senator HATFIELD. Thank you.

## STATEMENT OF JAMES VAN LOAN, STEAMBOAT INN, STEAMBOAT, OR

Mr. VAN LOAN. Senator Hatfield, my name is Jim Van Loan.

Senator HATFIELD. Are you related to Wendell Van Loan?

I'm Wendell's son. We have met many times, Senator.

Last time we met to discuss scenic river status for North Umpqua, was in Florence, as I recall.

I'm not an elected official. I'm fortunate to be an appointed official. I'm currently serving as a Commissioner on Oregon's Fish and Wildlife Commission. But I'm here as a small businessman.

We own and operate the Steamboat Inn on the North Umpqua River. We've lived on the North Umpqua since 1974 and life long residents of Oregon.

Steamboat Inn operates under a special use permit from the U.S. Forest Service. The Inn enjoys a reputation as a resort, a restaurant. Our clients are a mix of international and national and local travel. The business is an excellent example of that old saying about the three rules of real estate, location, location, location.

Steamboat Creek in the North Umpqua makes Steamboat Inn what it is. It's a successful small business and a much larger matrix of tourist related businesses in Douglas County and Oregon as a whole.

For the record I'm in favor of amending the Wild and Scenic Rivers Act by designating Steamboat Creek and its tributaries, and the North Umpqua from Soda Springs to Rock Creek as components of the National Wild and Scenic River System.

U.S. Forest Service is the sole landlord on the Steamboat Creek range. Its largest tributary, Canton Creek, is controlled by the Bureau of Land Management. Easily 40 percent of the anadromous fish in Steamboat Creek are found in its major tributary, Canton Creek.

As a society, we are sending very mixed signals to our federal land managers. We exhort them to preserve, protect and enhance our anadromous fish population. And at the same time we urge that the steady flow of timber from our federal lands not be reduced.

There is another valuable commodity on those lands, our fisheries. Fish are not an amenity. Fish are very valuable and renewable commodity, not only for tourism but as a commercial product. Our fisheries should not be treated to an "either or" decision making. Forest Service has demonstrated that it has ability to manage our fisheries. I'd like to encourage them to do so.

I would like to correct some earlier remarks made by Commissioner Vian from Douglas County. All of Steamboat Creek is withdrawn from mineral exporation. Recreational mining is not allowed. There is recreation that goes on in Steamboat Creek. It's very popular in the summer for swimming.

We are getting mixed signals from our local supervisors office from the Umpqua National Forest. They're telling us that scenic river designation will increase recreation use of Steamboat Creek and the North Umpqua. The regional office is telling us that's not true where such rivers have been designated. So——

Senator **Hatfield**. Maybe we can be helpful to try to get that clarified.

Mr. **Van Loan**. Some clarification would be useful.

Thank you.

Senator **Hatfield**. Thank you.

[The prepared statement of Mr. Van Loan follows:]

## James W. Van Loan

**Steamboat Inn**
**Steamboat, OR 97447**
**(503) 498-2411 • 496-3495**

My name is James Van Loan, my family owns and operates The Steamboat Inn on the North Umpqua River. We have lived on the North Umpqua since 1974 and are lifelong residents of Oregon.

Steamboat Inn operates under a special use permit from The U. S. Forest Service. The Inn enjoys a reputation as a resort and restaurant, our clients are a mix of international, national and local travelers. Our business is an excellent example of that old saw about the three rules of real estate; "location, location and location." Steamboat Creek and The North Umpqua make Steamboat Inn what it is, a successful small business in a much larger matrix of tourist related businesses in Douglas County and Oregon as a whole.

For the record, I am in favor of amending the Wild and Scenic Rivers Act by designating Steamboat Creek and its tributaries, and the North Umpqua from Soda Springs to Rock Creek as components of the National Wild and Scenic Rivers System.

The USFS is the sole landlord on the Steamboat Creek drainage, it's largest tributary, Canton Creek, is controlled by the Bureau of Land Management. Easily forty percent of the Anadromous fish in Steamboat Creek are found in it's major tributary, Canton Creek.

As a society we are sending very mixed signals to our federal land managers, we exhort them to preserve, protect and enhance our anadromous fish populations and at the same time we urge that the steady flow of timber from our federal lands not be reduced.

There is another valuable commodity on these lands, our fisheries. Fish are not an amenity, fish are a very valuable and renewable commodity, not only for tourism but as a commercial product. Our fisheries should not be treated to "either or" decision making. The forest service has demonstrated that it has the ability to manage for fisheries, encourage them to do so.

Congress has given the Forest Service the directive "to manage Steamboat Creek and its immediate environment (so as to) conserve, protect and enhance the anadromous fish habitat and population". Unfortunately, congress did not instruct the Forest Service to harvest timber in such a way as to preserve the riparian zone of Steamboat Creek and its tributaries, as a result, the water temperature of Steamboat Creek is rising and the makeup of the fish population is changing, where salmon and steelhead used to rear, red-sided shiners compete for space and food. These indicators do not suggest that the forest service is winning the battle to carry out congressional intent. Given current law and management practices of the federal agencies involved, scenic river protection for these bodies of water is the only way to insure that the fisheries will be managed as directed by congress.

Canton Creek has no protection or congressional direction at all and is a major tributary of Steamboat Creek and the North Umpqua. Canton Creek is a major nursery stream for steelhead and salmon, its fisheries deserve the same protection afforded Steamboat Creek.

The North Umpqua is one of this nations most scenic rivers, on this at least, all agree. How to manage the North Umpqua is the topic of fierce debate even among our designated land managers, the U.S.F.S.. Some within the forest service advocate "active management" (a euphemism for logging) in the corridor itself, others argue that it is not in keeping with the spirit of the forests management plan. There is something to be said for logging within the corridor, it might very well spark sufficient controversy to cause us to look at other logging practices. I would prefer that we put an end to such debates by federal designation of the North Umpqua as a wild and scenic river.

I very much appreciate this opportunity to comment on this portion of the legislation before you.

Sincerely

James W. Van Loan

## STATEMENT OF MARY CARPELAN, SHASTA NATION, YREKA, CA

Ms. **Carpelan**. My name is Mary Carpelan. I'm a medicine woman from the Shasta Nation. The Shasta Nation's regional territory comprises some large area of Oregon-California and southern Oregon. Klamath River Gorge is very spiritual and culturally special areas of the Shasta Nation. The Shasta National's legends, the Klamath Gorge, this area is the beginning of our world, the history, how to use herbs, where to find herbs. Spiritual areas within our territory are written in the rocks. The animals that were there to be hunted and used are written in the rocks. There are writings in petroglyphs all through the Klamath River Gorge. They tell of the information that is used for the Shasta Nation. There are huge mosaics for ceremonies in the Klamath River Gorge. And there are remains of the Shasta Nation's Adam and Eve are buried there.

After the war of the Shasta on November 4th, 1841, Fort Jones, California, Quackahawk was one of the last areas the people could live in a relative peace. They tried to do so and continue the ceremonies until the 1950's and the police told them to stop or they would be thrown in jail. Since this time several of the gatherings have been done in total secrecy because of the fear of being thrown in jail.

I have attended a vision quest in this area and I have participated in the ceremony for waking the dead as well as other ceremonies.

Others who use this area for traditional uses do so in the upmost secrecy because of the fear of being sent to jail.

Klamath River Gorge is a wintering area for Elk and deer and other animals. Birds such as eagles and osprey and wild turkeys which are special to the Shasta people.

To think that the City of Klamath Falls and Oregon can contemplate proposed projects such as the Salt Caves Dam in our sacred areas is very hard to comprehend. They would not respond to our request for a year and a half. This proposed project will devastate our culture and history in the Shasta Nation. It is written in the rocks of the Klamath River Gorge.

The Klamath River Gorge has been a stronghold, a refuge and a place of learning to the people of the Shasta Nation for centuries past. We believe it is essential that designation of this river as wild and scenic, should not be put aside by just of inner sovereign rights to serve as a basis for our occupation of our sovereign rights in the future.

We wish to thank you for considering the Upper Klamath River as included in the wild and scenic.

Senator **Hatfield**. Thank you very much.

## STATEMENT OF TRENOR SCOTT, GRANTS PASS, OR

Mr. **Scott**. Sir, good morning, Senator Hatfield. I'm Trenor Scott from Grants Pass.

I thank you for choosing to hold a hearing in Grants Pass, sir.

Since the Rogue was one of the original eight instant rivers in public law in 1942 and 1968, there is now 20 years of history, which comprised some guidance for rivers in this proposal. While scenic preservation is often a commendable aim and cannot be exempt from rigorous portions of cross benefit, for instance, who benefits and who pays. In this instance it's the groups that support this proposal presumably expect to be the beneficiary of recreational opportunities.

Who pays? Some of the localities will pay, private land and scenic easement evaluation will affect the taxable land base. Not a considerable matter in rural counties such as, which had a long history of difficulty passing school budgets. Public lands removed from the productive base affect local, state and national economies.

State of Oregon is currently trying to encourage tourism but since their main uses are on wild and scenic rivers, are often severely limited. There likely will be conflicts even with many potential recreational uses.

There will be no development of hydro power in future when needs are clean power sources make the company even more serious. The minerals on claims not already perfected are withdrawn by Section 9, subsection iii for a one-half mile strip on more than 550,000 acres in this proposal.

Also the prime lands and easements are substantial. On the 84 miles of the Rogue there are approximately $135,000 per mile, not including appraisal and overhead costs. If this figure were applied to the, what I had as 745.8 miles, I understood that might be 05.8, but whatever, it's still a relatively big number, in this Senate, 2148 bill. The results figure that over 235 million, again not including the appraisal on overhead. This may be a larger number than it really would be because who's to say what the values are. I'm just picking numbers and applying. Once the corridors required to become wildly known and the increasing recreational pressure, a need for traffic matching to protect the wilderness experience, close quotes. Which seems to be a major element for what the government has guaranteed to provide. Sort of a latter day version of the old saying, it was publicity that killed the skunk.

So once the corridors are required that cars do not stop on the road, the annual budgets per management is approximately 320,000, or 3,800 per mile. Again, multiply this by 17,000 plus miles in the bill gives an estimated annual cost figure of over 6 million.

There were problems also in the acquisition process, both minor violations of public law 91-646, and difficulties with scenic easements in the appraisal and judicial process. There were quite differing values placed on scenic easement impact by appraisers. And once some cases went before juries, it was obvious from the inconsistencies in the result that the courtroom was not the best place to conduct a class.

In the original 1968 program there was very little meaningful participation by local residents and land owners. There were public informational sections but attempts to have local membership with any clout in the decision making were generally unsuccessful. This left the feeling that we were being done to and contributed to the confrontations.

Senator **Hatfield**. Thank you, very much. We will include the rest of your testimony in the record. I want to thank you all for your testimony.

May we have order please. Mr. Boyd Peters, Mr. Peter Jensen, Mr. Dave Willis.

## STATEMENT OF BOYD PETERS, WOLF CREEK TRAILS, GRANTS PASS, OR

Mr. PETERS. My name is Boyd Peters. I'm with Headwaters but I'm representing Wolf Creek Trails. It's a member group of Headwaters.

It was not very many years ago we were assembled as we are now, considering wilderness rather than rivers protection.

Thank you for once again reaching for Oregon's sustainable future.

Some local industry folk at that wilderness hearing consolidated their individual opportunities to speak into a 15 minute block, enabled presentation of the slide show. By a series of leaps in statistics and logic, one was quickly and not unconvincingly brought to the conclusion that wilderness was nonsense.

Senator, you paused for a moment, lowered your glasses and said, gentlemen, we are going to have wilderness, and I appreciate that.

You also heard from Digger Costello, he's a retired logger. Digger firmly and gently defended the crying need for wilderness. His original point of view is not with us now. But I hope voices like his are being heard in these hearings.

I live in Wolf Creek 20 miles north of here on I-5. Our community serves as the most immediate access point to the wild section of the Rogue River. State of Oregon has purchased and renovated our old stagecoach stop, Wolf Creek Tavern and our county park has seen improvements. The building blocks of a sustainable recreation economy are assembling. Economic models like ours will multiply with the bill you are proposing.

It is difficult to overstate the attraction of the wild Rogue. Its ability to quiet the modern world roaring in our minds, to stand at Marial and try to fathom the now documented human habitation of over 8,000 years, and at the same time, watch an osprey circle over fish and hear young squacking as the parent approaches. And the most recent spectacular arrival of nesting Peregrine Falcon near the river corridor.

I endorse your bill but wish you would include the addition, of the additions of the House Bill with special emphasis on the Elk River.

The Elk deserves inclusion as proposed to the headwaters of both the North and South Fork. If you look carefully at agency plans for the coming ten years, along with the field studies, recently completed, you will discover one of those all to common difficult questions.

Listen to the original voices like Digger's and I think you will find a fisheries resource unique in the lower 48 states, and extreme soil erosion problems that preclude further roads near the streams. Litigation for cleaning up mistakes after they occur is not the answer. Fish is the Elk River's highest and best use.

Thank you.

[The prepared statement of Mr. Peters follows:]

Wolf Creek
Trails

Senator Hatfield, it was not very many years ago we were assembled as we are now, considering wilderness rather than rivers protection. Some local industry folk consolidated their individual apportunities to speak into a fifteen minute block that enabled the presentation of a slide show. By a series of leaps in statistics and logic one was quickly and not unconvincingly brought to the conclusion that wilderness was nonsense. Leave it to us, we'll take care of the land. Senator, you paused for a moment, lowered your half glasses and said, "Gentlemen, we are going to have wilderness." You also heard from Digger Costello, a retired logger. Digger firmly and gently defended the crying need for wilderness. His original point of view is not with us now but I hope voices like his are being heard in the these hearings.

I live in Wolf Creek, twenty miles north of here on I 5. Our community serves as the most immediate access point to the "Wild" section of the Rogue River. The State of Oregon has purchased and renovated our old stagecoach stop, the Wolf Creek Tavern. And our county park has seen improvements. The building blocks of a sustainable recreation economy are assembling. Economic models like ours will multiply with the bill you are proposing.

It is difficult to overstate the attraction of the Wild Rogue. Its ability to quiet the modern world roaring in our minds: to stand at Marial and try to fathom the now documented human habitation of over eight thousand years, and at the same time watch an osprey circle with a fish and hear young squacking as the parent approaches, and the most recent spectacular arrival of nesting Peregrine Falcon near the river corridor.

I endorse your bill but wish you would include the additions of the House bill with special emphasis on the Upper Klamath and the Elk River.

The Elk River deserves inclusion as proposed to the headwaters of both the north and south forks. If you look carefully at agency plans for the coming ten years along with field study recently accomplished by the Pacific Northwest Forest and Range Experiment Station you'll discover one of those all to common difficult questions. Listen to the "original" voices like Diggers and I think you will find a fisheries resource unique in the lower 48 states, and extreme soil erosion problems that preclude further roads near the streams. Fish is the Elk River's highest and best use.

**Wolf Creek Trails, P.O. Box 43, Wolf Creek, OR 97497 Telephone 866-2596**

Boyd Peters

## STATEMENT OF PETER JENSEN, OREGON NATURAL RESOURCES COUNCIL, EUGENE, OR

Mr. JENSEN. I'm Peter Jensen. I'm speaking for the Oregon Natural Resources Council. I'm also a part-time English teacher at the Lane Community College in Eugene. I have lived here in southwest Oregon for 19 years. My wife and I, Susan Applegate, have a farm in Douglas County. A small length of Douglas County's Elk Creek bends right around our farm. This farm has been in my wife's family over 100 years. She remembers strong salmon runs she saw while wading across the creek as a small girl. Now there are no longer any salmons running uphill.

If anything, our own private farming and logging activities on our lands have decreased in our generation. The only new activities were the clearcutting of the headwaters by major timber company and the spraying of toxic herbicides by at least two different timber companies and Douglas County.

Take this one personal story and multiply it many times. Our rivers need your protection and we thank you for this bill.

I encourage you to add many other streams in Oregon to your Act. Since Congressional Wild and Scenic River designation does one thing best—prohibits dams—I ask you to extend your protection to the four rivers most threatened by dams:

(1) The Klamath River, which could literally be destroyed by the very unpopular Salt Caves Dam proposal.

(2) The South Fork of the McKenzie River, which is endangered by the proposed Strube Dam. South Fork of the McKenzie is one of my favorites. There are already six dams on McKenzie River system. Please protect the rest from being cut up, slowed down and warmed up.

(3) Walker Creek, which is the largest and upper most tributary to the Nestucca River. It's very much like Elk River. The fisheries on Elk River is very much the same. One of the most valuable steelhead and salmon streams in Oregon.

(4) The lower 33 miles of the Snake River as it flows from Hells Canyon once again is threatened by the proposed Asotin Dam. This 35, 33 miles of wild river was designated by a study river in the Hells Canyon Recreation Area Act, but the Asotin Dam would back up water into Hells Canyon and Grande Ronde River as well.

In order to keep Oregon Oregon and be able to expand our tourism and fishing industries, we need to protect as much as 1,500 more miles of stream than you are now considering. ONRC will enter into the written record for future citizen and government consideration, a complete list of river segment additions, which have been locally researched has having incredible environmental and economic value.

Since 1980, employment in the timber industry has fallen 28 percent down to 5.6 percent of our work force. Clearly we need to protect and expand jobs in tourism and fishing.

I like this bill. We will try to get many other pieces added. Thank you for this opportunity to testify.

[The prepared statement of Mr. Jensen follows:]

# WRITTEN COMMENTS ON S. 2148
# *****OMNIBUS OREGON WILD AND SCENIC RIVERS ACT OF 1988*****

WEDNESDAY, JUNE 1, 1988, GRANTS PASS, OREGON

BY: PETER JENSEN, REPRESENTING OREGON NATURAL RESOURCES COUNCIL
(ONRC) IN SOUTHWEST OREGON, EUGENE OFFICE
1161 Lincoln Street
Eugene, Oregon 97401
(503) 344-0675 (work); 485-6312 (home)

Good morning. I'm Peter Jensen, speaking for the Oregon Natural Resources Council (ONRC); I am also a parttime English Instructor at Lane Community College in Eugene, and a lifelong conservationist. Welcome to Southwest Oregon. I have lived here for 19 years. My wife, Susan Applegate, and I have a farm in Douglas County. A small length of Elk Creek bends right around our farm. This farm has been in my wife's family over one hundred years. She remembers strong salmon runs she saw while wading across the creek as a small girl. Now, there are no longer any salmon struggling uphill in Elk Creek. (If anything, farming and logging activities on our land have decreased in our generation; the only new activities were the clearcutting of the headwaters by a major timber company and the spraying of toxic herbicides by at least two different timber companies.) Take this one personal story and multiply it many times: our rivers need your protection!

I encourage you to add many other streams in Oregon to your Act. As you may know, we have a surplus of cheaper hydroelectric power in Oregon, but our fisheries and water quality are declining. Since Congressional Wild and Scenic Rivers designation does one thing best--prohibits dams--I ask you to extend your protection to the four rivers most threatened by dams:

1) The Klamath River, which could literally be destroyed by the very unpopular Salt Caves Dam proposal;

2) The South Fork of the McKenzie River, which is endangered by the proposed Strube Dam. The South Fork of the McKenzie is one of my favorites. I go up there at least twenty times a year to fish, hike, soak in hot springs, and get my spirit washed. There are already six dams and reservoirs on the McKenzie River system. Please protect the rest from being cut up, slowed down, and warmed up. Acidic rivers that run from and through fir forests cannot support as much life as other kinds of streams, such as those rivers that run through limestone. Fish evolved migration as a way of growing large in clean, acidic streams. But these fish runs are very vulnerable to siltation, toxins, warmth, and the killing off of seasonal insect food.

Let me give one example: Quartz Creek is a Class I stream which flows into the lower McKenzie through privately-owned forest land covered by the Oregon Forest Practices Act. Fisheries on any Class I stream are supposedly protected under current law, but they really are not! One of my ex-favorite, small swimming holes was on Quartz Creek. I used to spend hot summer days diving underwater in this bowl of rocks, which had a rock wall beside it with ferns arching over the stream and large Douglas firs filtering the bright sunlight. Small trout and salmon used to live in that pool in grammar schools waiting to grow up enough to head for the McKenzie River. But that whole area was scalped by a mid-sized, timber company landowner. Now, there are no firs, no ferns, no fish, and the bottom of the creek is no longer clean stones washed by drinkable water--the stones are now covered with olive drab slime. Clearly, too many of us have seen too much of this destruction. We need your protection for as many of Oregon's great rivers as you can win! (more)

3) Walker Creek, which is the largest and uppermost tributary to the Nestucca River in the Oregon Coast Range, is one of the most valuable steelhead and salmon streams. The proposed Walker Creek dam would innundate spawning redds and greatly damage fish producing power in the Nestucca. Offshore salmon fisheries cannot continue to be the mainstay of the coastal economy, if much more damage is done to the mating grounds of Oregon salmon. OSU economists have concluded that fish are as valuable as cut lumber!

4) The lower 33 miles of the Snake River as it flows from Hells Canyon is once again threatened by the proposed Asotin Dam. This 33 miles of wild water was designated a study river in the Hells Canyon Recreation Area Act, but the Asotin Dam would back water up into Hells Canyon and up the Grande Ronde River, as well. If this National Recreation Area is to have wild water and game fish, both the entire Snake and the Grande Ronde Rivers should be protected by your Act.

In addition to those four worthy rivers (most threatened by dams), there are many other stretches of free-flowing rivers in Oregon that need your protection. Please keep in mind that we have many lakes and reservoirs for boating. In order to keep Oregon Oregon and be able to expand our tourism and fishing industries, we need to protect as much as 1,500 more miles of our rivers than you are now considering. ONRC will enter into the written record a complete list of river segment additions, which have been locally researched as having incredible environmental and economic value. Since 1980, employment in the timber industry in Oregon has fallen 28% down to 5.6% of our workforce. Clearly, we need to protect and expand jobs in tourism and fishing!

Although a complete list adding up to 1,500 additional miles will be presented for your consideration, I cannot resist the temptation to name the rivers on that list which I know best. Believe me, these are magic names to me. In-state tourism in Oregon is Big Business made up of many small businesses providing many jobs; please do not ignore the economic value we Oregonians spread around as we explore inside our State borders!

If I had the magic wand of Congressional power, I would wave it over the following beautiful and vital rivers:

| STREAM | UPPER TERMINUS | LOWER TERMINUS | MILEAGE |
|---|---|---|---|
| Umpqua, North | Mt. Thielsen Wilderness | Lemolo Res. | 7.5 |
| Cultus | source | Crane Prairie Res. | 7 |
| Malheur | co Lake & Summit Creeks | Warm Springs Res. | 55 |
| Malheur | Logan Valley Res. | BLM lands | ? |
| Malheur | Riverside | Juntura | 21 |
| Malheur, NF | source | Beulah Res. | 39 |
| Quartzville Creek | source | Willamette Nat. F. | 14 |
| Wildhorse Creek | Wildhorse Lake | Alvord Lake | 18 |

I name all these river sections for very selfish reasons. I know these areas well enough to dream about them and love them when I am there. I also know that if you do not protect many other rivers in Oregon, my favorites will be harmed. The more you know about Oregon, the more you will come to understand that our future well-being will rise or fall with the health of our many rivers. Thank you for this opportunity to comment. --Peter Jensen

Senator **Hatfield**. Thank you very much.

## STATEMENT OF DAVE WILLIS, ASHLAND, OR

Mr. **Willis**. My name is Dave Willis.

Good news, Senator, besides the fact that this hearing is almost over.

Senator **Hatfield**. You are the last witness. You are the wrap up.

Mr. **Willis**. Is that the God who created, sustains, and redeems this world also sustains and redeems us through Jesus Christ. Good news is that we can trust this God to provide for us. That we most often trust in our weapons, our armies, our political and economic machinations.

Consider the lilies, someone said. How many board feet in a Lilly?

In Viet Nam, in Libya, in the Persian Gulf, and at Hanford you have called us away from such idols—despite the fact that war and preparing for war to find jobs. Stopping short of pacifism, you have urged us to more creative ways of dealing with conflict than killing people.

Yet your policies toward the rest of creation have not usually been so prophetic. In your laudable compassion for small mills and timber communities, have you yet discovered that the real underdog on the bottom of the pile today is the earth? Nature will surely bat second to last, but only after we've bloodied her.

You often tell us you have authored more Oregon wilderness than any Oregonian. Yet your tenure in office has seen destruction of more de facto wilderness, wilderness graciously authored by someone else for purposes beyond our narrow economic understanding, than any other period in the previous history of this piece of creation we call Oregon.

Your timber appropriations requests for roading and logging have exceeded even those of Ronald Reagan's Forest Service.

But you're full of wonderful surprises too. Now offer us a landmark rivers bill that takes less out of the timber base than a single timber sale. A nice trick. We thank you for this rivers bill with certain additions. As we thank you for the wild and scenic status you gave Illinois River a few years back.

The Illinois, as you know, is imminently threatened and endangered despite its corridor protection because rivers are systems, whole drainages, and not just corridors. Silver and Indigo Creeks are key tributaries of the lower Illinois. They were fire damaged last fall. Timber industry and Forest Service planned to kick them while they're down. The effect on the fishery and water quality of the Illinois will not be legal let alone enhancing to the Illinois wild and scenic state. Drive to the bridge at Agness where the crystal clear Illinois joins the muddy Rogue, also wild and scenic, and consider this fact. Please add Silver and Indigo to your bill.

You've served the people of Oregon for a long time, Senator. How have you served the land itself? If God incarnate washed our feet, should we not also wash the feet of creation? If we ever do, will it be with dirty wild and scenic river water from degraded tributaries?

How will your legacy read? When the spotted owl finally calls your name when the roll is called up yonder, what will be read? In human terms, for peace: Mark Hatfield, a voice crying in the wilderness.

For the rest of creation? Mark Hatfield, a voice that made the wilderness cry?

Or Mark Hatfield, he worked for peace like a river and wild, full river systems of peace.

"Without Him was not anything made that was made? All things were created through Him for Him."

Senator **HATFIELD**. Thank you for your statement.

This panel gets an "A" plus for literary excellence as well as for the substance of the testimony. I appreciate your statements very much.

This is the last panel and I wish to thank each of you for your participation. I think we can say that out of all of the hearings that I have held over the many years of public life, this has been certainly one of the finest and consistent quality of expression and viewpoints offered on all sides.

I'd like to thank the City of Grants Pass for this beautiful chamber and the use of it. Our court reporter, Shirley Blayne, our excellent staff, Paul Unger and Ted Case, who are representing Congressman Bob Smith, Emily Barlow, who is representing Senator Packwood, Mike Salsgiver and Mark Walker, my office, and Tom Williams who represents the majority staff of the Senate Committee on Energy and Water, and who has been a long time friend and facilitator for many hearings and many bills related to Oregon. Tom, we are always happy to have you come out and get acquainted with our state.

So ladies and gentlemen, this ends the hearing.

[Whereupon, at 12:25 p.m. the hearing was recessed, subject to the call of the Chair.]

# OMNIBUS OREGON WILD AND SCENIC RIVERS ACT OF 1988

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TUESDAY, JULY 26, 1988

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS,
NATIONAL PARKS AND FORESTS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
*Washington, DC.*

The subcommittee met, pursuant to notice, at 2:30 p.m., in room SD-366, Dirksen Senate Office Building, Hon. Mark O. Hatfield presiding.

## OPENING STATEMENT OF HON. MARK O. HATFIELD, U.S. SENATOR FROM OREGON

Senator HATFIELD. The hearing will please come to order. I apologize on behalf of the Committee for our delay in getting this hearing started. We were about the important business of having our class picture taken.

I have the opening statement of the Chairman of the subcommittee, Senator Bumpers, and I would also ask that my opening statement be placed in the record. At this point we will move to the witnesses.

[The prepared statements of Senator Bumpers and Senator Hatfield follow:]

# STATEMENT BY THE HONORABLE DALE BUMPERS
# REGARDING S. 2148
# THE OMNIBUS OREGON WILD AND SCENIC RIVERS ACT OF 1988

THE HEARING WILL COME TO ORDER.

THE PURPOSE OF THE HEARING THIS AFTERNOON IS TO RECEIVE TESTIMONY ON S. 2148, THE OMNIBUS OREGON WILD AND SCENIC RIVERS ACT OF 1988. THIS MEASURE, INTRODUCED BY SENATORS HATFIELD AND PACKWOOD, WOULD DESIGNATE SEGMENTS OF FORTY RIVERS IN OREGON AS COMPONENTS OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM. THESE SEGMENTS WOULD TOTAL OVER 1,700 MILES OF FREE-FLOWING RIVERS AND STREAMS IN THE STATE OF OREGON.

WITHOUT QUESTION S. 2148 IS THE MOST SIGNIFICANT PIECE OF LEGISLATION DEALING WITH THE PROTECTION OF FREE-FLOWING RIVERS AND STREAMS SINCE THE ENACTMENT OF THE WILD AND SCENIC RIVERS ACT IN 1968. SENATOR HATFIELD IS TO BE COMMENDED FOR HIS LEADERSHIP, FORESIGHT, AND SUPPORT FOR THE WILD AND SCENIC RIVERS SYSTEM AND ESPECIALLY FOR HIS COMMITMENT TO THE PROTECTION OF RIVER RESOURCES IN OREGON. I BELIEVE THAT THE OMNIBUS MEASURE SENATOR HATFIELD HAS INTRODUCED CAN SERVE AS A MODEL FOR OTHER STATES AND WILL LEAD TO A SIGNIFICANT EXPANSION OF THE SYSTEM IN THE YEARS TO COME.

THE SUBCOMMITTEE HAS CONDUCTED THREE FIELD HEARINGS ON S. 2148 IN OREGON WHERE SOME 200 WITNESSES PRESENTED THEIR VIEWS ON THIS MEASURE. FOR THE MOST PART, THE PUBLIC APPEARS TO BE HIGHLY SUPPORTIVE OF

SENATOR HATFIELD'S EFFORTS. WHILE THERE ARE SOME CHANGES WHICH UNDOUBTEDLY BE FORTHCOMING AS A RESULT OF THESE HEARINGS, THE BULK OF THE TESTIMONY IN OREGON ENDORSED S. 2148 AND I COMMEND SENATORS HATFIELD AND PACKWOOD FOR PUTTING TOGETHER A MEASURE WITH SUCH WIDE SPREAD SUPPORT.

AT THIS POINT, I WILL PUT A COPY OF S. 2148 IN THE HEARING RECORD. THE RECORD WILL REMAIN OPEN FOR TWO WEEKS TO RECEIVE ADDITIONAL STATEMENT, LETTERS AND OTHER MATERIAL.

**SENATOR MARK O. HATFIELD**
**SUBCOMMITTEE ON PUBLIC LANDS**
**S. 2148, THE OMNIBUS OREGON WILD AND**
**SCENIC RIVERS ACT OF 1988**
**JULY 26, 1988**

Mr. Chairman, I would like to thank you for agreeing to schedule today's hearing on the Omnibus Oregon Wild and Scenic Rivers Bill of 1988. As you know, this is the fourth public hearing on this bill in the last three months, and your interest and involvement in each of these hearings is greatly appreciated. The Subcommittee already has recieved oral testimony from nearly 150 public witnesses in the three previous Oregon field hearings, and I am looking forward to today's hearing for more valuable input which will help us shape the final version of the bill. I am confident that with your help, Mr. Chairman, S. 2148 can be reported favorably by the full Committee on Energy and Natural Resources, and passed by the Senate before the end of this session.

Senator Packwood and I introduced S. 2148 on March 4, 1988, and Congressman Denny Smith introduced an identical companion bill in the House, H.R. 4259, on March 24, 1988. The bills propose to add at least 103 segments of 40 Oregon rivers to the Federal Wild and Scenic Rivers System. When introduced, this represented the largest single effort to enlarge the Wild and Scenic Rivers System in the lower 48 states since Congress enacted the Wild and Scenic Rivers Act in 1968.

I am especially pleased to be sponsoring this legislation in the year which marks the twentieth anniversary of the original Wild and Scenic Rivers Act. In looking back over these past twenty years, it seems that the Wild and Scenic Rivers Act has been somewhat neglected in comparison to some of our other federal resource protection systems. For example, there are currently more than 360 units in the National Parks System, 156 national forests, and 19 national grasslands in 44 states, the Virgin Islands, and Puerto Rico.

And yet, there are only 75 designated wild and scenic rivers in the entire country. Out of the 61,700 river-miles identified in the Nationwide Rivers Inventory in 1982 for possible inclusion in the Wild and Scenic Rivers System, only 7,709 miles, or 12 percent, are preserved permanently under the Wild and Scenic Rivers Act.

In Oregon, only four rivers - portions of the Owyhee, Snake, Illinois, and Rogue Rivers - totalling just 317 miles - are protected under the Wild and Scenic Rivers Act. Even if all 103 river segments in this bill were designated as proposed, the total protected river miles in Oregon would be only 1,920.5 miles, which is about 5 percent of the 35,000 miles of major named rivers and streams in the state.

Mr Chairman, it is my hope that this legislation will help focus renewed attention throughout the entire nation on the Federal Wild and Scenic Rivers System.

This bill represents a dramatic departure from the accustomed piecemeal method of designating rivers, and it is my hope that the passage of S. 2148 will influence other Senators to examine the rivers in their states for possible inclusion in the System.

This summer's serious drought has focused attention on our nation's rivers and water resources. Accordingly, the time has come when we must evaluate our river systems and determine how best to utilize these precious resources to ensure that all our water needs will be met in future times of distress. S. 2148 begins this process for the state of Oregon. Since the bill was introduced last March, a major effort has been underway within the state to assess the most important characteristics of these rivers and to determine their most appropriate uses for the future.

The purpose of this and the three previous hearings is to evaluate the qualities of each of these river segments, and to determine whether they possess the extraordinary natural values necessary for inclusion in the Federal System. Some rivers may be removed after this consideration; others may be added. And descriptions now in the draft may change as we gather more information about these rivers. The main point is that we are beginning the process to make the determinations necessary for us to plan for the future.

Finally, Mr. Chairman, I want to thank the Forest Service and the Bureau of Land Management for the many hours they have expended on this proposal. We could not be here today if it were not for their help. I also want to give special thanks to Tom Williams who also has given of his time both here and in Oregon on this bill. As usual, it is a pleasure for me to work with a person of Tom's caliber who brings both a high level of dedication and integrity to this Committee.

Once again Mr. Chairman, thank you for your interest in this legislation, and for scheduling today's hearing.

Senator **Hatfield**. At this time I would like to invite my colleague from the Senate, Senator Packwood, who shares an interest in this particular piece of legislation. Senator Packwood, it is wonderful to have you here.

## STATEMENT OF HON. BOB PACKWOOD, U.S. SENATOR FROM OREGON

Senator **Packwood**. Mr. Chairman, thank you. I have a relatively brief statement that I would like to read.

I am very pleased to be here this afternoon to testify in support and as an original cosponsor of the Omnibus Oregon Wild and Scenic Rivers Act. I want to commend and thank you for your leadership in introducing this landmark piece of conservation legislation, and I am proud to join with you in sponsoring this bill.

This committee has an unprecedented opportunity to greatly expand the rivers protected under the Wild and Scenic Rivers Act. Designating sections of 40 rivers for inclusion in the Wild and Scenic Rivers system, at one time in one state, is ambitious and visionary.

But Oregon has long been a leader in developing and implementing statewide environmental programs. It is appropriate that this comprehensive river protection legislation is being considered to protect Oregon free flowing rivers for generations to come.

My support for this river protection plan is rooted in one of the most important battles in my life, from the early 1970s, the safeguarding of the magnificent Snake River of Hells Canyon. At stake at that time was the possible destruction of one of the most beautiful and unique spots on earth.

As some members of this Committee may recall, the battle for Hells Canyon began over whether public or private interests would have the right to build a dam or a series of dams on the Snake River in Hells Canyon.

In 1967, U.S. Supreme Court Justice William O. Douglas delivered a landmark decision which refocused the debate on whether damming of Hells Canyon was in the public interest at all. The battle raged on until we finally won passage of the Hells Canyon National Recreation Act in 1975, protecting the canyon of the Snake River from further threats of dams.

Was it worth it? In my judgment, Mr. Chairman, without question the fight for Hells Canyon was worth it. I am revitalized by visits to this mighty river. The energy it gives to those who visit it today is mightier than the energy that would have been generated by damming the canyon and turning crashing white water rapids into more placid reservoirs.

You, Mr. Chairman, were a partner in the efforts and know how divisive that battle was. You will remember as do I a more recent battle to preserve the Columbia River Gorge. We have tried hard to live up to the pledge to preserve, for our children and our grandchildren, our beautiful and irreplaceable natural heritage.

It is clear that if we wait until a crisis develops over the management of a river, we end up pitting neighbor against neighbor, state against state. It is because of my deep personal involvement in this early river battle that I am anxious to protect Oregon's more important free flowing rivers before management conflicts begin to polarize the citizens of our state.

Oregon has benefited greatly from water projects where large dams have provided flood control, irrigation water, hydroelectric generation and recreation. But in damming these rivers we have damaged or destroyed our salmon and steelhead runs, flooded wildlife habitat and altered the free flowing nature of the rivers.

Aside from the scenic and intrinsic losses, the costs have been great. We have spent millions and millions of dollars trying to restore these salmon runs. The Bonneville Power Administration alone has spent over $400 million over the last eight years on fishery mitigation and enhancement on the Columbia River system alone.

We would be wise to protect our investment and avoid further expensive mitigation by protecting our important salmon streams. The three field hearings held in Oregon on this act have generated extensive information on the rivers under discussion.

In addition, I have received literally hundreds of letters from constituents expressing their views on many of the rivers in the bill and some on rivers not designated in the bill.

Many of these Oregonians would like to see additional rivers or river segments added to the bill. In many cases it is to protect an important fishery stream or a popular recreation area.

For example, the Sandy River in Portland's back yard has been mentioned as a candidate for inclusion. The Elk River, one of Oregon's lush coastal rivers, has also received overwhelming support. Another river often mentioned in letters and testimony because of its important fish spawning habitat is Steamboat Creek and its tributaries.

We said from the introduction of this bill that it was a discussion draft, and additions and subtractions were anticipated. I urge you, Mr. Chairman, and the committee to review the testimony and designate those rivers that have the highest resource value.

The Wild and Scenic Rivers Act was created to accommodate the concerns of private property owners. However, we have heard from many Oregonians who make their home or living along these rivers and they are anxious about the possible impact that wild and scenic designation will have on them. I believe the majority of these concerns can be addressed through report language or legislative language.

Another possible approach would be to ensure involvement by local citizens in the development of a plan through establishment of a local management commission as proposed for the Wildcat River in New Hampshire by Senator Gordon Humphrey, and I might add, Mr. Chairman, very similar to what we did in the bill when we protected the Columbia Gorge, where we involved people in both states and it has worked out rather well.

I appreciate the opportunity, Mr. Chairman, to speak on behalf of one of Oregon's most precious treasures, our free flowing rivers. I encourage the Committee to support a river management plan for the people, for the environment and perhaps most of all for the future.

I urge the Committee to act expeditiously in approving this precedent-setting wild and scenic rivers legislation, in the hopes that we still might be able to pass it this session.

Senator HATFIELD. Thank you, Senator Packwood. I appreciate very much your excellent testimony. I want to say for the record that without your very strong voice and support, these events of the past to which you refer could not have taken place—Columbia River Gorge, Hells Canyon Recreation, National Seashores, all of them. It is always a pleasure to work in tandem with you.

Senator PACKWOOD. Mr. Chairman, I thank you.

Senator HATFIELD. Thank you. Congressman Dennis Smith from the State of Oregon. Congressman Smith, we welcome you to this committee, and Senator Murkowski, our neighbor from Alaska, has joined our Committee hearing, and we welcome you. Do you have an opening statement?

Senator MURKOWSKI. No, Mr. Chairman, I just wondered if, by any chance, any of the witnesses you anticipate testifying against the legislation?

Senator HATFIELD. Yes. Panel two.

Senator MURKOWSKI. Thank you. I have no opening statement.

Senator HATFIELD. Congressman Smith, it is a pleasure to welcome you and also to recall that you and I sat through one of our field hearings together and took testimony. It is a pleasure to see you here today.

## STATEMENT OF HON. DENNY SMITH, U.S. REPRESENTATIVE FROM OREGON

Mr. SMITH. Thank you, Mr. Chairman. I want to thank you for holding this hearing on S. 2148, which my companion bill, H.R. 4259, is labeled the Omnibus Oregon Wild and Scenic Rivers Act of 1988. I also want to express my thanks to you, Mr. Chairman, for your outstanding leadership on this effort to preserve part of our state's natural heritage.

As the House sponsor of legislation identical to S. 2148, I appreciate the opportunity to appear before the Subcommittee today. What Senator Hatfield, Senator Packwood and I are proposing is the largest single expansion of the Wild and Scenic Rivers system in the lower 48 states since Congress passed the Wild and Scenic Rivers Act in 1968. As Oregonians, we are justifiably proud of Oregon's scenic beauty.

When introduced, these bills were drafts intended to foster discussion. Under Senator Hatfield, hearings have taken place throughout the state. Numerous individuals and interest groups have testified. Many other concerned Oregonians have submitted written comments.

All of these comments have been vital to the debate process. While there is much support for the bill, a number of concerns have arisen. These issues can and should be addressed as we move toward a consensus.

To alleviate these concerns, I would urge that congressional intent on certain issues be clarified in either statutory or report language. The last thing that Oregon's economy needs is legislation leading to further litigation.

This bill is intended for the preservation of free flowing rivers. It must not be used to end the multiple use of public lands behind the set-aside corridors that will be established.

It is my hope that we can clarify the intended size of these set-aside corridors while still providing public officials with management flexibility. Strong release language for areas immediately adjacent to these corridors would also preserve congressional intent.

I also appreciate the comments that I have received regarding the bill's potential impact on future river crossings for access roads. We must not intentionally lock up vast areas behind the scenic corridors that we create.

There is precedent for statutory exceptions to permit specific activities in or beyond any corridor. We should examine whether such exceptions are needed on any of the proposed river segments.

I am confident that these concerns citizens and others raised regarding private property and water rights, can be resolved. These issues are challenges but not impediments. We have before us a historic opportunity to protect part of Oregon's scenic beauty without harming our state's economy.

As a Member of the House Interior Committee which has jurisdiction over the House version of this bill, I look forward to working toward enactment of this important legislation.

Once again, Mr. Chairman, thank you for the opportunity to appear before you today. Thank you.

Senator **Hatfield**. Thank you, Congressman Smith. We are delighted to be in cosponsorship with you on this piece of legislation. Senator Murkowski, do you have any questions?

Senator **Murkowski**. No.

Senator **Hatfield**. Thank you for coming. At this time I would like to invite George Leonard, the Associate Chief of the Forest Service. And why not have Roland Robison, the Deputy Director of the Bureau of Land Management join you since you are in similar roles here. Chief, if you would like to proceed. Why not pull that microphone over to you as it is easier for people to hear.

## STATEMENT OF GEORGE M. LEONARD, ASSOCIATE CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. **Leonard**. Thank you, Mr. Chairman. I appreciate the opportunity to give the views of the Department of Agriculture.

The Department of Agriculture recommends enactment if amended as we suggest. We defer to the Department of the Interior regarding the portions of the bill that just affects their lands.

We support the designation of all or segments of all the rivers that S. 2148 would designate that affect national forest lands. A listing of these rivers is attached. We recommend that approximately 722 miles be designated and administered by the Secretary of Agriculture.

Because of the predominance of private land along some segments of the Crescent Creek and the Deschutes, Little Deschutes, North Fork of the Sprague, Lower Williamson, Nestucca, and Alsea rivers, we recommend that these segments not be designated at this time.

Instead, we suggest that the state consider adding them to the state scenic waterways system. These segments could then be federally designated at the state's request persuant to Section 2(a)(ii) of the Wild and Scenic Rivers Act. If designated in this manner, the state would have the responsibility for administration of these rivers.

Such a partnership, Federal designation and State administration, is most appropriate for rivers deserving designation but flowing through mostly private lands. For the segments of these rivers that flow predominantly through federal lands, we generally support designation at this time.

We believe that only one segment of one river does not meet the eligibility requirements for designation in the Wild and Scenic Rivers Act. The three mile segment of the North Fork of the Crooked River, from its source at Williams Prairie to the upper end of Summit Prairie does not, in our judgment, contain the outstanding remarkable values necessary for designation. We therefore recommend that this segment not be designated.

We recommend that two additional segments of the Wenaha River be designated. The Wenaha flows into the Grande Ronde River. Adding these two segments, which total 2.85 miles, would complete the protection of these two rivers. These segments of the Wenaha contain outstandingly remarkable scenic recreation, wildlife and fisheries values.

As a result of our coordination with the Department of the Interior, we recommend several amendments in regard to which Secretary should administer certain river segments. We believe that our recommendations result in the most appropriate and economical administration.

All of our recommendations are presented with supporting rationale in our supplemental statement, and I request that that statement be include as part of the hearing record. Although we are recommending many amendments, most are intended to improve the technical accuracy of the bill or to assure appropriate administration of river segments.

We believe that nearly all of the river segments contain outstanding remarkable values and are suitable for designation. We enthusiastically support the basic intent of S. 2148, and we ask that you consider our suggestions carefully.

Mr. Chairman, I would be happy to respond to any questions.

[The prepared statement of Mr. Leonard follows:]

**STATEMENT OF**
**GEORGE M. LEONARD, ASSOCIATE CHIEF**
**FOREST SERVICE**
**UNITED STATES DEPARTMENT OF AGRICULTURE**

**Before the**
**Subcommittee on Public Lands, National Parks and Forests**
**Committee on Energy and Natural Resources**
**United States Senate**

S. 2148, the "Omnibus Oregon Wild and Scenic Rivers Act of 1988"

July 26, 1988

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for the opportunity to offer the Department of Agriculture's views on S. 2148, the "Omnibus Oregon Wild and Scenic Rivers Act of 1988."

The Department of Agriculture recommends enactment if amended as we suggest. We defer to the Department of the Interior regarding those portions of the bill affecting only that Department.

Before you is a map which depicts all the rivers that would be designated by S. 2148. In summary, this bill would designate segments of 40 rivers in Oregon as components of the National Wild and Scenic Rivers System, totaling about 1,705 miles. About 449 miles would be classified as wild, 313 miles as scenic, and 943 miles as recreational. The Secretary of Agriculture would administer the rivers depicted in orange, which total 812 miles. The Secretary of the Interior would administer the 631 miles depicted in blue. In addition, 262 miles would be ". . . administered by the Departments of the Interior and Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President . . ." These are depicted in red.

At present, the Wild and Scenic Rivers System contains 75 rivers. The Forest Service administers 32 designated rivers totaling over 2,400 miles. These rivers possess outstanding scenic, recreational, geologic, fish and wildlife, historic, cultural or other significant values. We strongly support the National Wild and Scenic Rivers System.

The Oregon State Scenic Waterways System was established under State law in 1970. Ten rivers are presently in the System. These rivers are administered for their scenic, recreational, fish, wildlife, and scientific values. Dams, impoundments, and placer mining are prohibited on designated scenic waterways, and logging, grazing, and development are regulated within one-quarter mile of the river bank.

Our comments and recommendations pertain to river segments within or immediately adjacent to National Forests, river segments for which S. 2148 would require administration by the Secretary of Agriculture, and river segments that would be administered by either the Department of Agriculture or the Department of the Interior. Our analysis and recommendations have been coordinated with the Secretary of the Interior.

To the extent authorized by law, the Forest Service has been protecting the outstandingly remarkable features of each eligible river so as to not jeopardize eventual designation. Specific standards guide decisions related to timber management, dam construction, hydroelectric development, mining, road construction, recreation development, and other activities. These same standards would guide the development of a specific plan for any river that is eventually designated. As a result, designation would have little effect on day-to-day management of the river corridor.

These standards do not preclude timber harvest outside the corridor of potential wild rivers providing it is done in a visually sensitive manner. Timber management is also allowed within the corridor of potential scenic or recreational rivers if designed to protect the outstanding values associated with the river. These same standards have been in effect since the rivers were placed on the Nationwide Rivers Inventory, and they would be the basis for development of a management plan for any river that is designated. Therefore, designation would have very little affect on timber harvest. We estimate that designation of these rivers would reduce the allowable sale quantity from National Forest System lands in Oregon by about four million board feet annually, or about one-tenth of one percent.

Adding these rivers to the Wild and Scenic Rivers System would highlight these rivers nationally, and offer the Forest Service, the Bureau of Land Management and State and local government the opportunity to promote and market the recreational, scenic, and other values these rivers possess.

For those river segments within National Forests, S. 2148 would designate and classify, with few exceptions, the same segments the Forest Service inventoried in draft Forest Land and Resource Management Plans. For every National Forest river segment, we have completed a comprehensive analysis to determine the merits of designation.

To facilitate the Committee's consideration of S. 2148, we have provided a copy of our analysis and maps for each river to the Committee Staff. The analysis for each river contains information pertaining to landownership, resources, proposed water resource developments, recreation use, and the possible effects of designation, as well as other information.

We support the designation of all, or segments of all, the rivers that S. 2148 would designate that affect National Forest lands. A listing of these rivers is attached. We recommend that approximately 722 miles be designated and administered by the Secretary of Agriculture.

Because of the preponderance of private land along some segments of Crescent Creek and the Deschutes, Little Deschutes, North Fork of the Sprague, Lower Williamson, Nestucca, and Alsea Rivers, we recommend that these segments not be designated at this time. Instead, we suggest that the State consider adding them to the State Scenic Waterways System. These segments could then be Federally designated at the State's request, pursuant to section 2(a)(ii) of the Wild and Scenic Rivers Act. If designated in this manner, the State would have the responsibility for administration of these rivers. Such a partnership--Federal designation and State administration--is most appropriate for rivers deserving designation but flowing through mostly private lands. For those segments of these rivers that flow predominately through Federal lands, we generally support designation at this time. We are still reviewing river segments that would be included by the bill in the Wild and Scenic Rivers System that flow through parcels of private land. Such designation could lead to pressure for additional land acquisition which we believe should be minimized. Consequently, we may report back to the Committee with additional recommendations regarding S. 2148.

We believe that only one segment of one river does not meet the eligibility requirements for designation in the Wild and Scenic Rivers Act. The 3-mile segment of the North Fork of the Crooked River from its source at Williams Prairie to the upper end of Big Summit Prairie does not, in our judgement, contain the outstandingly remarkable values necessary for designation. We therefore recommend that this segment not be designated.

We recommend that two additional segments of the Wenaha River be designated. The Wenaha flows into the Grande Ronde River. Adding these two segments, which total only 2.85 miles, would complete the protection of these two rivers. These segments of the Wenaha contain outstandingly remarkable scenic, recreation, wildlife, and fisheries values.

As a result of our coordination with the Department of the Interior, we recommend several amendments in regard to which Secretary would administer certain river segments. Also, we recommend other amendments regarding which Secretary should administer the river segments that, in S. 2148, would be administered by either the Department of Agriculture or the Department of the Interior. We believe that our recommendations would result in the most appropriate and economical administration of each segment.

In analyzing each river segment, we have evaluated the proposed recreational, scenic, or wild classification. We recommend several changes in the classifications proposed in S. 2148. These recommended amendments are based upon our most current data and analysis for each river, and we believe they accurately reflect the classification criteria in the Wild and Scenic Rivers Act.

In conducting our analysis, we remeasured each segment and found that many of the mileages in S. 2148 need to be corrected. We recommend that the correct mileages be used in order to accurately describe each segment. These changes would not affect the actual "on the ground" river segment that would be designated.

All of our recommendations are presented, with supporting rationale, in our supplemental statement. I request that the supplemental statement be included in the hearing record along with my testimony.

Although we are recommending many amendments to S. 2148, most are intended to improve the technical accuracy of the bill or to assure appropriate administration of river segments. We believe that nearly all the river segments contain outstandingly remarkable values and are suitable for designation.

We enthusiastically support the basic intent of S. 2148, and we ask that you carefully consider our suggestions.

Mr. Chairman, this concludes my statement. I would be happy to answer any questions.

## SUPPLEMENTAL STATEMENT
## UNITED STATES DEPARTMENT OF AGRICULTURE
## CONCERNING S. 2148, THE "OMNIBUS OREGON WILD AND SCENIC RIVERS ACT OF 1988"

This supplemental statement follows the format of S. 2148. In the interest of brevity, it only includes sections for which the Department of Agriculture recommends amendments. Material to be deleted is enclosed within brackets [ ], and material to be inserted is underlined. The rationale for the changes follows each amended section in all capital letters set off by double asterisks.

### A BILL

To amend the Wild and Scenic Rivers Act of 1968, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Omnibus Oregon Wild and Scenic Rivers Act of 1988".

SEC. 2. AMENDMENTS TO THE WILD AND SCENIC RIVERS ACT.

Section 3(a) of the Wild and Scenic Rivers Act (Public Law 90-542, 82 Stat. 907), as amended, is further amended by adding the following new paragraphs at the end thereof:

"() Deschutes, Oregon.--

"(A) the [40.4-mile] 27.4-mile segment from Wickiup Dam to the General Patch Bridge as a recreational river; to be administered by the Secretary of Agriculture;

"(B) the 6-mile segment from Harpers Bridge to the northern boundary of Sunriver at the southwest quarter of section 20, township 19 south, range 11 east, as a recreational river; to be administered by the Secretary of Agriculture[.];

"[(B)] (C) the eleven-mile segment from the northern boundary of Sunriver at the southwest quarter of section 20, township 19 south, range 11 east, to Lava Island Camp as a scenic river; to be administered by the Secretary of Agriculture;

"[(C)] (D) the three-mile segment from Lava Island Camp to the Bend Urban Growth Boundary at the southwest corner of section 13, township 18 south, range 11 east, as a recreational river; to be administered by the Secretary of Agriculture;

"[(D)] (E) the [nineteen-mile] 11-mile segment from [Oden Falls] Big Falls to the Upper End of Lake Billy Chinook as a scenic river; to be administered by the [Departments] Secretary of the Interior [and Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President];"

** WE RECOMMEND DELETING THE 7-MILE PORTION OF THE ORIGINAL SEGMENT (A) FROM THE GENERAL PATCH BRIDGE TO HARPERS BRIDGE BECAUSE OF THE PREDOMINANCE OF PRIVATE LAND AND THE AMOUNT OF DEVELOPMENT ON THE PRIVATE LAND. THE 7 MILES THAT WOULD BE DELETED COULD BE DESIGNATED AND ADMINISTERED BY THE STATE OF OREGON. IF THE STATE SO DESIRED, THIS SECTION COULD BE FEDERALLY DESIGNATED PURSUANT TO SECTION 2(a)(ii) OF THE WILD AND SCENIC RIVERS ACT. THE ADMINISTRATION OF THE 11-MILE PORTION OF THE ORIGINAL SEGMENT (D) WOULD BEST BE ACCOMPLISHED BY THE SECRETARY OF THE INTERIOR. WE DEFER TO THE DEPARTMENT OF THE INTERIOR REGARDING THE MERITS OF DESIGNATION OF THE 8-MILE PORTION OF THE ORIGINAL SEGMENT (D), FROM ODEN FALLS TO BIG FALLS. **

"() Little Deschutes, Oregon.--The [ninety-seven-mile segment from its source to its confluence with the main stem of the Deschutes River] 12-mile segment from its source in the northwest quarter of section 15, township 26 south, range 6 1/2 east, to the north section line of section 12, township 26 south, range 7 east, as a recreational river; to be administered by the Secretary of Agriculture."

** RECOMMEND DELETION OF 85 MILES DUE TO THE PREDOMINANCE OF PRIVATE LAND. THE 85 MILES THAT WOULD BE DELETED COULD BE DESIGNATED AND ADMINISTERED BY THE STATE OF OREGON. IF THE STATE SO DESIRED, THIS SEGMENT COULD BE FEDERALLY DESIGNATED PURSUANT TO SECTION 2(a)(ii) OF THE WILD AND SCENIC RIVERS ACT. **

"() Metolius, Oregon.--The twenty-nine-mile segment from its source at Metolius Springs to Lake Billy Chinook [as a recreational river]; to be administered by the Secretary of Agriculture[.] in the following classes:

"(A) the 11.9-mile segment from its source at Metolius Springs to Jefferson Creek, as a recreational river; and

"(B) the 17.1-mile segment from Jefferson Creek to Lake Billy Chinook, as a scenic river."

** RECOMMENDED CLASSIFICATION IN ACCORDANCE WITH THE CRITERIA IN THE WILD AND SCENIC RIVERS ACT. **

"() Sycan, Oregon.--The [58.3-mile] 54-mile segment from [the] South Fork Creek to Coyote Bucket at the Fremont National Forest boundary [as a scenic river]; to be administered by the Secretary of Agriculture in the following classes:

"(A) the 21.4-mile segment from South Fork Creek to the west section line of section 22, township 32 south, range 14 east, as a scenic river;

"(B) the 8.6-mile segment from the west section line of section 22, township 32 south, range 14 east, to the Fremont National Forest boundary in the southeast quarter of section 10, township 33 south, range 13 east, as a recreational river; and

"(C) the 24-mile segment from the Fremont National Forest boundary in the southeast quarter of section 10, township 33 south, range 13 east, as a scenic river."

** CHANGE IN MILEAGES AS A RESULT OF REMEASUREMENT. RECOMMENDED CLASSIFICATION IN ACCORDANCE WITH THE CRITERIA IN THE WILD AND SCENIC RIVERS ACT. **

"() North Fork Sprague, Oregon.--[The 25.3-mile segment from the Fremont National Forest boundary in the southwest quarter of section 3, township 36 south, range 14 east, to the head of River Spring in the southwest quarter of section 15, township 35 south, range 16 east; to be administered by the Secretary of Agriculture in the following classes:

"(A) the four-mile segment from the Fremont National Forest boundary in the southwest quarter of section 3, township 36 south, range 14 east, to Forest Road 3411 in the northwest quarter of section 36, township 35 south, range 14 east, as a recreational river; and

"(B) the 21.3-mile segment from Forest Road 3411 in the northwest quarter of section 36, township 35 south, range 14 east,] The 15-mile segment from the northwest quarter of the southwest quarter of section 11, township 35 south, range 15 east, to the head of River Spring in the southwest quarter of section 15, township 35 south, range 16 east, as a scenic river to be administered by the Secretary of Agriculture."

** RECOMMEND DELETION OF 10.3 MILES DUE TO THE PREDOMINANCE OF PRIVATE LAND. THE 10.3 MILES THAT WOULD BE DELETED COULD BE DESIGNATED AND ADMINISTERED BY THE STATE OF OREGON. IF THE STATE SO DESIRED, THIS SEGMENT COULD BE FEDERALLY DESIGNATED PURSUANT TO SECTION 2(a)(ii) OF THE WILD AND SCENIC RIVERS ACT. **

"() Salmon, Oregon.--The 33.5-mile segment from its headwaters to its confluence with the Sandy River in the following classes:

"(A) the half-mile segment from its headwaters to one-half mile downstream as a recreational river; to be administered by the Secretary of Agriculture; Provided, That designation and classification shall not preclude the Secretary from exercising discretion to approve the construction, operation, and maintenance of ski lifts, ski runs, and associated facilities for the land comprising the Timberline Lodge Winter Sports Area insofar as such construction does not involve water resources projects;"

** THE RIVER CORRIDOR FOR THIS SEGMENT OVERLAPS THE EXISTING PERMIT AREA FOR THE TIMBERLINE WINTER SPORTS AREA. ADDITIONAL SKI LIFT DEVELOPMENT IS PLANNED IN THIS AREA. **

"() Clackamas, Oregon.--The [forty-nine-mile] 47-mile segment from Big Springs to Big Cliff; to be administered by the Secretary of Agriculture in the following classes:

"(B) the [six-mile] 3.5-mile segment from the Forest Service Road 4690 bridge to the junction with Oregon State Highway 224 as a recreational river;

"(C) the [nine-mile] 10.5-mile segment from Oregon State Highway 224 to the June Creek Bridge as a scenic river;

"(D) the [ten-mile] 9-mile segment from the June Creek Bridge to Tar Creek as a recreational river; [Tar Creek to just south of Indian Henry Campground as a scenic river; and]

"[(e)] (E) the [six-mile] 5.5-mile segment from Tar Creek to just south of Indian Henry Campground as a scenic river; and

"(F) the [fourteen-mile] 14.5-mile segment just south of Indian Henry Campground to Big Cliff as a recreational river."

** CHANGE IN MILEAGES AS A RESULT OF REMEASUREMENT. AMENDMENTS TO LANGUAGE FOR SEGMENTS (D) AND (E) TO CORRECT PRINTING ERROR. **

"() White, Oregon.--The 47.1-mile segment from its headwaters to its confluence with the Deschutes River in the following classes:

"(A) the two-mile segment from its headwaters to the section line between sections 9 and 16, township 3 south, range 9 east, as a scenic river; to be administered by the Secretary of Agriculture: Provided; That designation and classification shall not preclude the Secretary from exercising discretion to approve construction, operation, and maintenance of ski lifts, ski runs, and associated facilities for the land comprising the Mt. Hood Meadows Winter Sports Area insofar as such construction does not involve water resources projects;

"(B) the 13.6-mile segment from the section line between sections 9 and 16, township 3 south, range 9 east, to Klip Creek as a recreational river; to be administered by the Secretary of Agriculture; Provided; That designation and classification shall not preclude the Secretary from exercising discretion to approve construction, operation, and maintenance of ski lifts, ski runs, and associated facilities for the land comprising the Mt. Hood Meadows Winter Sports Area insofar as such construction does not involve water resources projects;

"(D) the [19.2-mile] 17.7-mile segment from the Mt. Hood National Forest boundary to [the Highway 197 bridge] its confluence with Three Mile Creek as a wild river; to be administered by the [Departments] Secretary of the Interior [and Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President]; and

"(E) the [5.8-mile] 7.3-mile segment from [the Highway 197 bridge] its confluence with Three Mile Creek to its confluence with the Deschutes River as a recreational river; to be administered by the [Departments] Secretary of the Interior [and Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President]."

** THE RIVER CORRIDOR FOR SEGMENTS (A) AND (B) OVERLAPS AN AREA UNDER CONSIDERATION FOR EXPANSION OF THE EXISTING PERMIT AREA FOR THE MT. HOOD MEADOWS WINTER SPORTS AREA. AN ADDITIONAL CHAIR LIFT AND AND FOUR SKI RUNS ARE CONTEMPLATED WITHIN THE RIVER CORRIDOR. THE ADMINISTRATION OF SEGMENTS (D) AND (E) WOULD BEST BE ACCOMPLISHED BY THE SECRETARY OF THE INTERIOR. THE MILEAGE CHANGES ARE A RESULT OF RECOMMENDED CHANGE IN CLASSIFICATION OF 1.5 MILES OF THE RIVER BETWEEN THE HIGHWAY 197 BRIDGE AND THREE MILE CREEK IN ACCORDANCE WITH THE CRITERIA IN THE WILD AND SCENIC RIVERS ACT. IN EFFECT, THIS CHANGE MOVES 1.5 MILES OF SEGMENT (D) TO SEGMENT (E). **

"() North Fork Crooked, Oregon.--The [32.3-mile] 24.3-mile segment from [its source at Williams Prairie to one mile from its confluence with the Crooked River; to be administered by the Departments of the Interior and Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President in the following classes] the lower end of Big Summit Prairie to its confluence with Committee Creek in the following classes:

"[(A) the three-mile segment from its source at Williams Prairie to the Upper End of Big Summit Prairie as a recreational river;]

"[(B)] (A) the 3.7-mile segment from the Lower End of Big Summit Prairie to the bridge across from the Deep Creek Campground as a recreational river; to be administered by the Secretary of Agriculture;

"[(C)] (B) the eight-mile segment from the bridge across from the Deep Creek Campground to the Ochoco National Forest boundary, one-half mile from Lame Dog Creek, as a scenic river[.] to be administered by the Secretary of Agriculture;

"[(D) the three-mile] (C) the 1.5-mile segment from the Ochoco National Forest boundary [, one-half mile from Lame Dog Creek, to Fox Canyon Creek as a recreational river;] to Upper Falls as a scenic river; to be administered by the Secretary of the Interior; and

"[(E) the 9.6-mile segment from Fox Canyon Creek] (D) the 11.1-mile segment from Upper Falls to Committee Creek as a wild river, [and] to be administered by the Secretary of the Interior."

** WE RECOMMEND DELETING SEGMENT (A) AS WE BELIEVE IT DOES NOT CONTAIN THE OUTSTANDINGLY REMARKABLE VALUES NECESSARY FOR DESIGNATION. THE ADMINISTRATION OF THE SEGMENTS WOULD BEST BE ACCOMPLISHED AS RECOMMENDED. WE DEFER TO THE DEPARTMENT OF THE INTERIOR REGARDING THE MERITS OF DESIGNATING SEGMENT (F). THE MILEAGE CHANGES FOR THE ORIGINAL SEGMENTS (D) AND (E) ARE THE RESULT OF RECOMMENDED CHANGE IN CLASSIFICATION OF THE RIVER BETWEEN LAME DOG CREEK AND UPPER FALLS IN ACCORDANCE WITH THE CRITERIA IN THE WILD AND SCENIC RIVERS ACT. **

"() Crooked, Oregon.--

"(A) The 9.3-mile segment from the National Grassland boundary to Lake Billy Chinook, one mile west of Highway 97, as a recreational river; to be administered by the Secretary of [Agriculture] the Interior; and"

** THE ADMINISTRATION OF THIS 9.3-MILE SEGMENT WOULD BEST BE ACCOMPLISHED BY THE SECRETARY OF THE INTERIOR. **

"() Upper Rogue, Oregon.--The 40.3-mile segment from the Crater Lake National Park boundary to the Rogue River National Forest boundary; to be administered by the Secretary of Agriculture in the following classes:

"(A) the [6.6-mile] 0.5-mile segment from the Crater Lake National Park boundary to approximately 0.1-mile downstream from the forest road 6530760 (West Lake Road) crossing as a scenic river;

"(B) the 6.1-mile segment from approxiamtely 0.1-mile downstream from the forest road 6530760 (West Lake Road) crossing to Minehaha Creek as a wild river; and

"[(B)] (C) the 33.7-mile segment from Minehaha Creek to the Rogue River National Forest boundary as a scenic river."

** AN EXISTING YEAR-AROUND LOW-STANDARD RECREATION ROAD CROSSES THE RIVER NEAR THE CRATER LAKE NATIONAL PARK BOUNDARY AND PROVIDES ACCESS TO LAKE WEST, THEREFORE THIS PORTION OF THE ORIGINAL SEGMENT (A) DOES NOT QUALIFY FOR WILD CLASSIFICATION. THE FOREST SERVICE DESIRES TO CONTINUE TO USE, OPERATE AND MAINTAIN THIS ROAD FOR PUBLIC RECREATION PURPOSES. **

"() Chetco, Oregon.--The [41.5-mile] 44.5-mile segment from its headwaters to the Siskiyou National Forest boundary; to be administered by the Secretary of Agriculture in the following classes:

"(C) the [eight-mile] 11-mile segment from Steel Bridge to the Siskiyou National Forest boundary, one mile below Wilson Creek, as a recreational river."

** CHANGE IN MILEAGES AS A RESULT OF REMEASUREMENT. **

"() Grande Ronde, Oregon.--The [forty-five-mile] 43.8-mile segment from its confluence with the Wallowa River to the Oregon-Washington [stateline] State line in the following classes:

"(A) the 1.5-mile segment from its confluence with the Wallowa River to the Umatilla National Forest boundary in section 11, township 3 north, range 40 east, as a recreational river; to be administered by the Secretary of Agriculture;

"[(A)] (B) the [eighteen-mile segment from its confluence with the Wallowa River to Grossman Creek] 17.4-mile segment from the Umatilla National Forest boundary in section 11, township 3 north, range 40 east, to the Wallowa-Whitman National Forest boundary approximately one-half mile east of Grossman Creek as a wild river; to be administered by the Secretary of Agriculture;

"[(B)] (C) the [twelve-mile segment from] 9-mile segment from the Wallowa-Whitman National Forest boundary approximately one-half mile east of Grossman Creek to Wildcat Creek as a wild river; to be administered by the [Departments] Secretary of the Interior [and Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President]; and

"[(C)] (D) the [fifteen-mile] 15.9-mile segment from Wildcat Creek to the Oregon-Washington [stateline] State line as a recreational river; to be administered by the [Departments] Secretary of the Interior [and Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President]."

** CHANGE IN MILEAGES AS A RESULT OF REMEASUREMENT. RECOMMENDED CLASSIFICATION IN ACCORDANCE WITH THE CRITERIA IN THE WILD AND SCENIC RIVERS ACT. **

"() Wenaha, Oregon.--The [18.7-mile] 21.55-mile segment from the [junction] confluence of the North Fork and the South Fork to [the Umatilla National Forest boundary at River Mile 3] its confluence with the Grande Ronde River [as a wild river]; to be administered by the Secretary of Agriculture in the following classes:

"(A) the 18.7-mile segment from the confluence of the North Fork and South Fork to the Umatilla National Forest Boundary as a wild river;

"(B) the 2.7-mile segment from the Umatilla National Forest boundary to the easternmost boundary of the Wenaha State Wildlife Area as a scenic river; and

"(C) the 0.15-mile segment from the easternmost boundary of the Wenaha State Wildlife Area to the confluence with the Grande Ronde River as a recreational river."

** S. 2148 WOULD DESIGNATE SEGMENTS OF BOTH THE GRANDE RONDE RIVER AND THE WENAHA RIVER. DESIGNATING THE WENAHA FROM THE UMATILLA NATIONAL FOREST BOUNDARY TO ITS CONFLUENCE WITH THE GRANDE RONDE WOULD "LINK" THESE DESIGNATIONS TOGETHER. THESE SEGMENTS OF THE WENAHA CONTAIN OUTSTANDING SCENIC, RECREATION, WILDLIFE AND FISHERIES VALUES. **

"() North Fork John Day, Oregon.--The [109.2-mile] 109.7-mile segment from its headwaters in the North Fork of the John Day Wilderness at section 13, township 8 south, range 36 east, to its confluence with the John Day River [; to be administered by the Departments of the Interior and Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President] in the following classes:

"(A) the 3.5-mile segment from its headwaters in the North Fork of the John Day Wilderness at section 13, township 8 south, range 36 east, to the North Fork of the John Day Wilderness boundary as a wild river; to be administered by the Secretary of Agriculture;

"(B) the [seven-mile] 7.5-mile segment from the North Fork of the John Day Wilderness boundary to Trail Creek as a recreational river; to be administered by the Secretary of Agriculture;

"(C) the 24.3-mile segment from Trail Creek to Big Creek as a wild river; to be administered by the Secretary of Agriculture;

"(D) the 10.5-mile segment from Big Creek to Texas Bar Creek as a scenic river; to be administered by the Secretary of Agriculture;

"(E) the [3.9-mile] 8.3-mile segment from Texas Bar Creek to [the Umatilla National Forest boundary] its confluence with Camas Creek as a recreational river; to be administered by the Secretary of Agriculture;

"(F) the [twenty-one-mile] 16.6-mile segment from [the Umatilla National Forest boundary] its confluence with Camas Creek to Mallory Creek as a recreational river; to be administered by the Secretary of the Interior;

"(G) the 16.4-mile segment from Mallory Creek to Wall Creek as a wild river; to be administered by the Secretary of the Interior; and

"(H) the 22.6-mile segment from Wall Creek to its confluence with the John Day River as a recreational river; to be administered by the Secretary of the Interior."

**CHANGE IN MILEAGE FOR SEGMENT (B) AS A RESULT OF REMEASUREMENT. THE CHANGE IN MILEAGE FOR SEGMENTS (E) AND (F) IS BECAUSE WE RECOMMEND CHANGING THE "BREAKING-POINT" BETWEEN THESE TWO SEGMENTS AS WE BELIEVE THE SECRETARY OF AGRICULTURE SHOULD ADMINISTER THAT PORTION OF THE ORIGINAL SEGMENT (F) WHICH INCLUDES THE FOREST SERVICE WORK CENTER AT DALE, OREGON. THE ADMINISTRATION WOULD BEST BE ACCOMPLISHED AS WE HAVE INDICATED ABOVE. **

"() North Umpqua, Oregon.--The 33.8-mile segment from the Soda Springs Powerhouse to Rock Creek [as a recreational river; to be administered by the Departments of the Interior and Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President.] in the following classes:

"(A) the 25.4-mile segment from the Soda Springs Powderhouse to the Umpqua National Forest boundary as a recreational river; to be administered by the Secretary of Agriculture; and

"(B) the 8.4-mile segment from the Umpqua National Forest boundary to its confluence with Rock Creek as a recreational river; to be administered by the Secretary of the Interior."

** THE ADMINISTRATION WOULD BEST BE ACCOMPLISHED AS INDICATED ABOVE. **

"() Joseph Creek, Oregon.--The [thirty-two-mile] 38.7-mile segment from Crow Creek Bridge to the Oregon-Washington [stateline] State line in the following classes:

"(A) the [six-mile] 9.6-mile segment from the Crow Creek Bridge to Joseph Creek Ranch, one mile downstream from Cougar Creek, as a recreational river; to be administered by the Secretary of Agriculture;

"(B) the [ten-mile] 8.6-mile segment from Joseph Creek Ranch, one mile downstream from Cougar Creek, to the Wallowa-Whitman National Forest boundary as a wild river; to be administered by the Secretary of Agriculture; and

"(C) the [sixteen-mile] 20.5-mile segment from the Wallowa-Whitman National Forest boundary to the Oregon-Washington [stateline] State line as a wild river; to be administered by the [Departments] Secretary of the Interior [and Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President]."

** CHANGE IN MILEAGES AS A RESULT OF REMEASUREMENT. THE ADMINISTRATION OF SEGMENT (C) WOULD BEST BE ACCOMPLISHED BY THE SECRETARY OF THE INTERIOR. **

"() Lostine, Oregon.--The [nineteen-mile] 16-mile segment from its headwaters to the Wallowa-Whitman National Forest boundary; to be administered by the Secretary of Agriculture in the following classes:

"(A) the [four-mile] 5-mile segment from its headwaters to the Eagle Cap Wilderness boundary as a wild river; and

"(B) the [fifteen-mile] 11-mile segment from the Eagle Cap Wilderness boundary to the Wallow-Whitman National Forest boundary at Silver Creek as a recreational river."

** CHANGE IN MILEAGES AS A RESULT OF REMEASUREMENT. **

"() North [Fork] Powder, Oregon.--The six-mile segment from its headwaters to the Wallowa-Whitman National Forest boundary at River Mile 20 as a [wild] scenic river; to be administered by the Secretary of Agriculture.

** RECOMMENDED CLASSIFICATION IN ACCORDANCE WITH THE CRITERIA IN THE WILD AND SCENIC RIVERS ACT. NAME CHANGE TO REFLECT USGS 1972 ANTHONY LAKES, OREGON QUADRANGLE. **

"() Eagle Creek, Oregon.--The [twenty-two-mile] 23-mile segment from its headwaters to the Wallowa-Witman National Forest boundary at Skull Creek; to be administered by the Secretary of Agriculture in the following classes:

"(B) the [eighteen-mile] 19-mile segment from the Eagle Cap Wilderness boundary at Hummingbird Mountain to the Wallowa-Whitman National Forest boundary at Skull Creek as a recreational river."

** CHANGE IN MILEAGE AS A RESULT OF REMEASUREMENT. **

"() Lower Williamson, Oregon.--The [twenty-five-mile] 7.5-mile segment from the western boundary of the Winema National Forest to [Upper Klamath Lake;] Collier State Park as a scenic river; to be administered by the Secretary of Agriculture." [in the following classes:

"(A) the seven-mile segment from the western boundary of the Winema National Forest to Collier State Park as a scenic river; and

"(B) the eighteen-mile segment from Collier State Park to Upper Klamath Lake as a recreation river.]

** MILEAGE OF THE ORIGINAL SEGMENT (A) IS CHANGED AS A RESULT OF REMEASUREMENT. WE RECOMMEND DELETING SEGMENT (B) DUE TO THE PREDOMINANCE OF PRIVATE LAND. SEGMENT (B) COULD BE DESIGNATED AND ADMINISTERED BY THE STATE OF OREGON. IF THE STATE SO DESIRED, THIS SEGMENT COULD BE FEDERALLY DESIGNATED PURSUANT TO SECTION 2(a)(ii) OF THE WILD AND SCENIC RIVERS ACT. **

"() Big Marsh Creek, Oregon.--The [thirteen-mile] 15-mile segment from the northeast quarter of section 15, township 26 south, range 6 east, to its confluence with Crescent Creek in the northeast quarter of section 20, township 24[, south,] south, range 7 east, as a recreational river; to be administered by the Secretary of Agriculture: Provided, That not withstanding any other provision of this Act, the Secretary may undertake construction activities to enahance and restore wetland resources associated with Big Marsh Creek."

** CHANGE IN MILEAGE AS A RESULT OF REMEASUREMENT. CORRECTS PRINTING ERROR IN LEGAL DESCRIPTION. DIVERSIONS EXIST IN THE STREAM AT BIG MARSH. WATER IS DIVERTED FROM THE MAIN CHANNEL AS IT FLOWS THROUGH BIG MARSH, AND MUCH OF THE WATER FLOWS AROUND THE MARSH IN MAN-MADE DITCHES. THE FOREST SERVICE IS PRESENTLY CONSIDERING OPTIONS FOR RESTORATION OF NATURAL FLOWAGE IN THE MAIN CHANNEL BY REDUCING OR ELIMINATING THE FLOW IN THE DITCHES. THE OBJECTIVE OF ANY RESTORATION WILL BE TO ENHANCE RECREATION AND WILDLIFE VALUES. **

"() Crescent Creek, Oregon.--The [eighteen-mile] 10-mile segment from the southwest quarter of section 11, township 24 south, range 6 east, to [its confluence with the Little Deschutes River in the northeast quarter of section 4, township 24 south, range 9 east] the west section line of section 13, township 24 south, range 7 east, as a recreational river; to be administered by the Secretary of Agriculture."

** THE SEGMENT OF CRESCENT CREEK THAT WOULD BE DESIGNATED BY THIS BILL IS ACTUALLY 26 MILES LONG--THIS CHANGE IS A RESULT OF REMEASUREMENT. THE SECTION THAT WE RECOMMEND BE DESIGNATED IS 10 MILES LONG. WE RECOMMEND DELETION OF THE 16-MILE SECTION DUE TO THE PREDOMINANCE OF PRIVATE LAND. IF THE STATE SO

DESIRED, THIS SECTION COULD BE FEDERALLY DESIGNATED PURSUANT TO SECTION 2 (A)(ii) OF THE WILD AND SCENIC RIVERS ACT. **

"() Minam, Oregon.--The [twenty-three-mile] 39-mile segment from its headwaters at the south end of Minam Lake to the Eagle Cap Wilderness boundary, one-half mile downstream from Cougar Creek, as a wild river; to be administered by the Secretary of Agriculture."

** CHANGE IN MILEAGE AS A RESULT OF REMEASUREMENT. MORE ACCURATE DESCRIPTION OF THE ORIGIN OF THE RIVER. **

"() Nestucca, Oregon.--[The 47.5-mile segment from its headwaters to its mouth at Nestucca Bay in the following classes:]

> ["(B) the 35.5-mile segment from the eastern Siuslaw National Forest boundary to its mouth at Nestucca Bay as a recreational river; to be administered by the Secretary of Agriculture."]

** TOTAL MILEAGE AND OVERALL DESCRIPTION MUST BE AMENDED TO CORRESPOND TO RECOMMENDED AMENDMENTS FOR THE SEGMENTS BY BOTH THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF THE INTERIOR. WE RECOMMEND DELETION OF SEGMENT (B) DUE TO THE PREDOMINANCE OF PRIVATE LAND. SEGMENT (B) COULD BE DESIGNATED AND ADMINISTERED BY THE STATE OF OREGON. IF THE STATE SO DESIRED, THIS SEGMENT COULD BE FEDERALLY DESIGNATED PURSUANT TO SECTION 2(a)(ii) OF THE WILD AND SCENIC RIVERS ACT. **

"() Alsea, Oregon.--[The seventy-four-mile segment from its headwaters, including the North and South Forks, to its mouth at Alsea Bay in the following classes:]

> ["(G) the twenty-seven-mile segment from the eastern Siuslaw National Forest boundary to its mouth at Alsea Bay as a recreational river; to be administered by the Secretary of Agriculture."]

** TOTAL MILEAGE AND OVERALL DESCRIPTION NEEDS TO BE AMENDED TO CORRESPOND TO RECOMMENDED AMENDMENTS FOR THE SEGMENTS BY BOTH THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF THE INTERIOR. WE RECOMMEND SEGMENT (G) BE DELETED DUE TO THE PREDOMINANCE OF PRIVATE LAND. SEGMENT (G) COULD BE DESIGNATED AND ADMINISTERED BY THE STATE OF OREGON. IF THE STATE SO DESIRED, THIS SEGMENT COULD BE FEDERALLY DESIGNATED PURSUANT TO SECTION 2(a)(ii) OF THE WILD AND SCENIC RIVERS ACT. **

## SUMMARY
## S. 2148, THE OMNIBUS OREGON WILD & SCENIC RIVERS ACT OF 1988 AS COMPARED TO THE DEPARTMENT OF AGRICULTURE RECOMMENDATIONS FOR CLASSIFICATION, JURISDICTION, AND MILEAGE

(Only as pertaining to the Department of Agriculture)

| | S. 2148 Sec. of Agriculture Jurisdiction | | | S. 2148 Sec. of Ag. or Int. Jurisdiction | | | USDA Recommendation Sec. of Agriculture Jurisdiction | | |
|---|---|---|---|---|---|---|---|---|---|
| RIVER | REC. | SCNC. | WILD | REC. | SCNC. | WILD | REC. | SCNC. | WILD |
| DESCHUTES | 43.4 | 11.0 | | | 19.0 | | 36.4 | 11.0 | |
| L.DESCHUTES | 97.0 | | | | | | 12.0 | | |
| METOLIUS | 29.0 | | | | | | 11.9 | 17.1 | |
| SYCAN | | 58.3 | | | | | 8.6 | 45.4 | |
| N.F.SPRAGUE | 4.0 | 21.3 | | | | | | 15.0 | |
| ROARING | .3 | | 13.4 | | | | .2 | | 13.5 |
| SALMON | 4.0 | 6.5 | 15.0 | | | | 4.0 | 6.5 | 15.0 |
| CLACKAMAS | 30.0 | 19.0 | | | | | 27.0 | 20.0 | |
| WHITE | 13.6 | 2.0 | 6.5 | 5.8 | | 19.2 | 13.6 | 2.0 | 6.5 |
| N.F.CROOKED | | | | 14.7 | 8.0 | 9.6 | 3.7 | 8.0 | |
| CROOKED | 9.3 | | | | | | | | |
| UPPER ROGUE | | 33.7 | 6.6 | | | | | 34.2 | 6.1 |
| CHETCO | 8.0 | 8.0 | 25.5 | | | | 11.0 | 8.0 | 25.5 |
| N.F.SMITH | | 4.5 | 8.5 | | | | | 4.5 | 8.5 |
| GRANDE RONDE | | | 18.0 | 15.0 | | 12.0 | 1.5 | | 17.4 |
| WENAHA | | | 18.7 | | | | 0.15 | 2.7 | 18.7 |
| N.F.JOHN DAY | | | | 54.5 | 10.5 | 44.2 | 15.8 | 10.5 | 27.8 |
| N.UMPQUA | | | | 33.8 | | | 25.4 | | |
| JOSEPH CREEK | 6.0 | | 10.0 | | | 16.0 | 9.6 | | 8.6 |
| LOSTINE | 15.0 | | 4.0 | | | | 11.0 | | 5.0 |
| N.F.POWDER | | | 6.0 | | | | | 6.0 | |
| EAGLE CREEK | 18.0 | | 4.0 | | | | 19.0 | | 4.0 |
| MCKENZIE | 15.3 | | | | | | 15.3 | | |
| L.WILLIAMSON | 18.0 | 7.0 | | | | | | 7.5 | |
| BIG MARSH CR. | 13.0 | | | | | | 15.0 | | |
| CRESCENT CR. | 18.0 | | | | | | 10.0 | | |
| IMNAHA | 58.0 | 4.0 | 6.0 | | | | 58.0 | 4.0 | 6.0 |
| S.FK.IMNAHA | | | 9.0 | | | | | | 9.0 |
| MINAM | | | 23.0 | | | | | | 39.0 |
| NESTUCCA | 35.5 | | | | | | | | |
| ALSEA | 27.0 | | | | | | | | |
| TOTALS: | 462.4 | 175.3 | 174.2 | 123.8 | 37.5 | 101.0 | 309.15 | 202.4 | 210.6 |

**United States Department of Agriculture**
**FOREST SERVICE**
**P.O. Box 2417**
**Washington, D.C. 20013**

August 5, 1988

TOM,

The Supplemental Statement accompanying our testimony on S. 2148 contains a small error.

The description for segment "C" of the Sycan River is incomplete, and is corrected on the attached sheet.

Sorry for any inconvience.

Thanks,

Gene

Gene Zimmerman
Legislative Assistant

"() Sycan, Oregon.--The [58.3-mile] 54-mile segment from [the] South Fork Creek to Coyote Bucket at the Fremont National Forest boundary [as a scenic river]; to be administered by the Secretary of Agriculture in the following classes:

"(A) the 21.4-mile segment from South Fork Creek to the west section line of section 22, township 32 south, range 14 east, as a scenic river;

"(B) the 8.6-mile segment from the west section line of section 22, township 32 south, range 14 east, to the Fremont National Forest boundary in the southeast quarter of section 10, township 33 south, range 13 east, as a recreational river; and

"(C) the 24-mile segment from the Fremont National Forest boundary in the southeast quarter of section 10, township 33 south, range 13 east, to Coyote Bucket at the Fremont National Forest boundary, as a scenic river."

** CHANGE IN MILEAGES AS A RESULT OF REMEASUREMENT. RECOMMENDED CLASSIFICATION IN ACCORDANCE WITH THE CRITERIA IN THE WILD AND SCENIC RIVERS ACT. **

Senator HATFIELD. Thank you, Mr. Leonard. I think I will ask Mr. Robison to make his statement first. Then, with the questions that I have, we can alternate, where one can comment on the other's answers.

## STATEMENT OF ROLAND G. ROBISON, DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Mr. ROBISON. Thank you, Mr. Chairman. I appreciate the opportunity to appear here today to discuss the views of the Department of the Interior on S. 2148.

The bill would amend Section 3(a) of the Wild and Scenic Rivers Act of 1968 by designating about 1,700 additional miles of Oregon rivers as wild and scenic, or recreational. Further, the bill would designate the Secretary responsible for administering each segment.

S. 2148 would affect 22 rivers. We strongly support the intent of S. 2148; however, we recommend several amendments which we believe would improve the bill. Those amendments are in the nature of clarifying or perfecting amendments, and we would not consider them to be particularly substantive.

We are concerned with such things as appropriate classifiction as relates to jurisdiction of responsibility and also we have some difference of opinion with respect to milage calculations.

Without going into all of those, and we have some six pages of those suggested changes, I would indicate that they are part of my written statement. We would urge that they be looked at carefully by the Committee and its staff, and that they be taken into account in any final determination made with respect to this bill.

We would also offer to make our particular knowledge and expertise available to Committee staff if we could be of some help in clarifying or explaining the purposes and meaning of our particular suggestions.

With that I think, Mr. Chairman, unless you would want me to go into some particulars with respect to those suggested amendments, I will conclude my statement.

[The prepared statement of Mr. Robison follows:]

JUL 26 1988

## STATEMENT OF ROLAND G. ROBISON, DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, COMMITTEE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE, ON S. 2148, A BILL "TO AMEND THE WILD AND SCENIC RIVERS ACT OF 1968, AND FOR OTHER PURPOSES."

I appreciate the opportunity to appear here today to discuss the views of the Department of the Interior on S. 2148.

S. 2148 would amend section 3(a) of the Wild and Scenic Rivers Act of 1968 by designating about 1,700 additional miles of Oregon rivers as wild, scenic, or recreational. Further, the bill would designate the Secretary responsible for administering each segment. S. 2148 would affect 22 rivers.

We strongly support the intent of S. 2148; however, we recommend several amendments which we believe will improve the bill. We will address only those provisions we believe should be amended in the order they appear in the bill. Specifically, we recommend the following changes:

Deschutes - (D) - would designate 19 miles as scenic. We believe the 8 mile segment from Oden Falls to Big Falls is nonsuitable for designation because 80 percent of the segment is developed by private interests.

(E)(G) - would designate 71.6 miles as scenic. We suggest this be designated as recreational because of a variety of types of development along the segment.

Salmon - (F) - would designate 4.8 miles as scenic. We suggest this be designated as recreational because of a recreational vehicle park, roads and quarry located near the river.

White - (D&E) - would designate 19.2 miles as wild and 5.8 miles as recreational. We suggest 17.7 miles be designates as wild and 7.3 miles as recreational due to the presence of private developments near the highway 197 bridge.

North Fork Crooked -(D) - would designate 3 miles as recreational. We suggest that 1.5 miles from Ochoco National Forest Boundary to Upper Falls be designated as scenic because of outstanding scenic values.

(E) - would designate 9.6 miles as wild. We suggest that the 11.1 miles from Upper Falls to Committee Creek be designated wild because of absence of development.

(F) - would designate 5 miles as recreational. We recommend this segment not be designated because of agricultural development on private land.

Crooked - (A) - would designate 9.3 miles as recreational, administered by the Secretary of Agriculture. We recommend administration by the Secretary of the Interior because these are public lands administered by the Secretary of the Interior.

- (B) - would designate 8 miles as recreational. There appears to be an error in the description. The segment should described as "Bowman Dam to private land, (T. 16 S., R. 16 E., Sec. 20)."

Grande Ronde - would designate 30 miles as wild and 15 miles as recreational to be administered by Department of Agriculture and the Interior. We recommend the 9-mile segment from Wallowa-Whitman National Forest boundary to Wildcat Creek be designated as wild because of its primitive values and that it be administered by the Department of the Interior inasmuch as it is located on public lands.

Joseph Creek (C)- would designate 16 miles as wild. There appears to be an error in the mileage calculation. It should be 20.5 miles.

Alsea - would designate 74 miles as scenic and recreational. We recommend that 12.5 miles from the headwaters of the South Fork to Tobe Creek be designated as recreational and 9.7 miles from the headwaters of the North Fork to Bailey Creek be designated as recreational, both to be administered by the Department of the Interior. In addition, we recommend these three segments be designated recreational and administered by the State of Oregon because the State operates fish hatcheries: (1) 2.5 miles-South Fork from Tobe Creek to the confluence with North Fork; (2) 5.3 miles-North Fork from Bailey Creek to confluence with South Fork; (3) 17 miles-main stem from confluence of North and South Forks to the Siuslaw National Forest boundary. The designations should all be recreational because mixed ownership dominates the corridor, which includes timber production, access roads and bridge crossings.

| | |
|---|---|
| Quartzville - Creek | would designate 8.7 miles as recreational. There appears to be a miscalculation in the mileage. It should be 12 miles. |
| South Fork - John Day | would designate 48 miles as recreational. We recommend that 17 miles from the bridge crossing near Keerins Ranch upstream to the Malheur National Forest boundary be deleted because it is about 90 percent private agricultural lands. |
| John Day - | would designate 171 miles as recreational and 31 miles as wild. We recommend these 2 segments be designated as recreational: (1) 115 miles from the confluence with South Fork to Butte Creek, and (2) 31 miles from Big Eddy to Tumwater Falls. In addition we recommend designation as wild 56 miles from Butte Creek to Big Eddy (1.5 miles |

upstream from Cottonwood Bridge) because of the outstanding and primitive values along the river.

South Fork Crooked (A) - would designate 10 miles as recreational. We recommend no designation because of its location on private agricultural land.

Donner Und Blitzen - would designate 68.5 miles as wild. It appears that the mileage calculation is incorrect. We calculate the mileage to be 72.8 miles. Also, we recommend the addition of tributaries as follows:

(1) Mud Creek - 4 miles;
(2) Ankle Creek - 6.5 miles; and
(3) Deep Creek - 3 miles.

The additions are justified because of outstanding wildlife and fisheries values.

Powder -(A),(B),- and (C) would designate 13.1 miles as recreational, wild and scenic. It appears that the mileage of 13.1 miles is incorrect. We calculate the mileage to be 11.7 miles from Thief Valley Dam to the Highway 203 bridge. In addition, we recommend the 11.7-mile segment be designated scenic because of the location of two cabins and a vehicle trail on the portion identified as wild in the bill and because of the primitive nature of the roads located on the segment identified in the bill as recreational.

Burnt - would designate 32 miles as recreational. It appears that the mileage calculation is incorrect. We calculate the distance to be 16.5 miles.

We are also reviewing other river segments that flow through private land and would be designated as wild and scenic by S. 2148. Such designation could create pressures for additional Federal land acquisition which we believe should be minimized. Accordingly, we may report back to the Committee with additional recommendations regarding this legislation.

We might mention that the Bureau of Indian Affairs has informed us of the interests of the Confederated Tribes of the Warm Springs Reservation and individual allottees, and the hunting and fishing rights of the Warm Springs, Umatilla, Nez Perce and Klamath Tribes contained in treaties.

This concludes my prepared statement. I will be pleased to answer questions.

Senator **Hatfield**. Thank you, Mr. Robison. I appreciate your statement and the focus that you make on page 6, particularly when you draw attention to the Confederated Tribes of the Warm Springs Reservation. I have met with them, talked to them about some of these matters, and I want to work it out with them, as you have indicated, and I am sure that we can reach a common consensus on that matter.

I have a series of questions for you, Mr. Leonard and Mr. Robison, both. As you recall, the composition of this bill came about through the forest planning process in which your agencies are engaged. The rivers that appeared in my bill were a collection of those that were enumerated in your planning process as suitable or eligible.

I would like to now play back some of the questions that have risen through the public hearings that we have had on this bill, and I realize that the BLM is really beginning and we sort of preempted a list of rumored rivers that we thought would emerge out of your process.

These are what you would call educated guesses for the BLM. I think we have protected everybody in that statement and made it somewhat accurate as well. However, through these hearings that we have held in Oregon, it has come to our attention that there may have been or might be a bit of confusion within the Forest Service itself regarding the assessment of potential wild and scenic river designations during this planning process.

My question to start would be, could you give to the Committee an overview of the Forest Service's internal policies and procedures for making such recommendations regarding the forest plans?

Mr. **Leonard**. We started largely with the National Rivers Inventory. Each of the rivers that was identified in the inventory was considered in the forest planning process as to its eligibility and then, ultimately in the draft plans, the recommendation of whether or not they should be recommended for designation.

In addition, during the public involvement process on the Forest Plan, many other rivers that were not part of the National Rivers Inventory were suggested. And I think I would acknowledge that there was some uneven treatment between forests. Some forests were very responsive to those public suggestions, some not as responsive to evaluating rivers that were suggested by the public in that process. As a result, on some forests we do have an examination of virtually every river that was suggested by the public in terms of its eligibility. On other forests we do not.

Senator **Hatfield**. But you used specific guidelines, did you not, for each and every river and each and every forest.

Mr. **Leonard**. The guidelines are, of course, the eligibility criteria in the bill. But there were some judgments.

For example, if a river was suggested that was predominently private land but only had a very small section or segment on the national forest land, in some cases I understand that the forest made the judgment that their involvement was so small in the river that they would not consider it as part of their forest planning process.

Senator **Hatfield**. But who made those judgments in the final analysis—the regional forester, or the supervisor?

Mr. LEONARD. Well, it was made by the Forest Supervisor at that draft stage. Now, when we go to the final forest plan, which we have not gotten to, yet, in Oregon, the Regional Forester would have to sign off on the final decisions. But by and large, those decisions as to which river——

Senator HATFIELD. The most local representative?

Mr. LEONARD. By local forest supervisors, and there is some difference in approach between forests.

Senator HATFIELD. Do we understand, then, that you possibly plan to assess more rivers before the final forest plans are released in region 6?

Mr. LEONARD. There is a possibility of that, or at least there have certainly been suggestions that there are other rivers that we ought to be examining that have not been included in the forest planning process to date.

Senator HATFIELD. Now let me ask you this question. How do you determine the phrase or the application of the word suitability for designation. Or some plans are using the word eligible. And I would like to know, since there seem to be only a handful considered suitable, could you give us a deliniation between the suitability and the eligibility factor?

Mr. LEONARD. I think those terms have been more or less used interchangably. I do not think they make two different determinations. Basically, what the forest has done is taken the definitions for the three classes of rivers out of the Wild and Scenic Rivers Act, looked at various segments of the rivers and said, do they fit the definition specified in the Act, and if they do, then they make their determination of eligibility.

Senator HATFIELD. If there arose in the assessment process a controversy over a particular segment, say of a river, with questions relating to timber harvests or to private land ownership, is the river then deleted from further consideration?

Mr. LEONARD. No, it would still be considered as eligible. For example, if it is a free flowing river it would be eligible. But in arriving at the final decisions on the forest plan, they might decide that the impacts on other resources from designation were, in their judgment, too great to warrant designation.

So they would make that decision that even though it was eligible, it should not be designated. Or they would not recommend designated, I should say.

Senator HATFIELD. Mr. Robison, please feel free to interject any thought that you have on any of these questions. I am really kind of puzzled. Do you have in your process a delineation or a distinction in the terms eligibility and suitability? Do you apply a distinction there?

Mr. ROBISON. I would not think so, Mr. Chairman. I am not familiar with the distinction we make in that regard.

Senator HATFIELD. I was under the mistaken impression that there had been a distinction there.

Mr. ROBISON. Well, let me elaborate. I am more familiar with the designation of wilderness than I am of wild and scenic rivers, but there would be instances when a given area might be eligible for wilderness designation because it meets the basic criteria essential for that designation.

On the other hand, there might be some compelling reasons why you might not want to recommend that eligible area for creation as wilderness. There may be other considerations that should be taken into account.

So I can see a distinction which could come into play here, and I think that what I have said with respect to wilderness could also be applicable with respect to wild and scenic rivers, at least in the broad context.

Senator HATFIELD. There could be distinction without a difference, as the old saying goes.

Mr. LEONARD. Senator Hatfield, staff has given me some background that I think will enlighten us, perhaps. In our forest planning process, we have a three step process.

The first step is determination of eligibility, and that is basically determining whether it is a free flowing river and possesses one or more outstandingly remarkable values. The second step, then, is classification. And that is categorizing the river as recreational, scenic or wild.

Then the third step in the planning process is where the term suitable enters in, and that is when we look at the objectives of a particular alternative in the forest plan. Is classification suitable to meet the objectives of the alternative?

In other words, if the objectives of this alternative were a very high level of timber production and classification of this region of stream would preclude achieving the level of timber production that you wanted, then under that alternative the river segment would not be suitable.

Senator HATFIELD. Would that be forest-wide or region-wide?

Mr. LEONARD. That would be on a segment by segment basis.

Senator HATFIELD. Mr. Leonard, could you provide the Subcommittee—and if you need to submit it for the record with more specific data, certainly feel free to so state—the operating history of the use of condemnation on private land. I would like to know, for instance, the total acreage that has been condemned nationwide. Is it a standard method of operation within the system, and so forth.

Mr. LEONARD. Senator Hatfield, I can provide this for the existing 16 designated wild and scenic rivers in Washington, Oregon and California. The total length of those rivers in 1,420 miles.

The total area in the river corridors is 543,000 acres, the National Forest lands are 365,000 acres, and the private lands within the segments that are administered by the Forest Service are 102,500 acres.

Since those rivers have been designated, the Forest Service has acquired the following lands. Fee title from a willing seller, 2,852 acres; exchange, 1,539 acres; scenic easements from willing sellers, 1,710 acres; scenic easements by condemnation, 751 acres; fee title through condemnation, none.

Senator HATFIELD. Seven hundred?

Mr. LEONARD. Seven hundred and fifty-one acres through condemnation.

Senator HATFIELD. Out of a total of?

Mr. LEONARD. Out of the total of 102,500 acres of private land.

Senator HATFIELD. If the purpose of a scenic and wild river designation, Mr. Leonard, is to preserve the status quo, why would any condemnation be necessary?

Mr. LEONARD. Condemnation would become necessary if the owner of the land proposed a new use of his lands which would be incompatible with the classification of the river segment on which it is located.

Senator HATFIELD. If the initiative is on the owner to create the environment for condemnation?

Mr. LEONARD. That is correct.

Senator HATFIELD. If there is a change in the use of that land?

Mr. LEONARD. If he were to propose a subdivision or some development of that land. But if he would propose to maintain the status quo, then we would have no interest in condemnation.

Senator HATFIELD. Were those 751 acres that you condemned in the Oregon, Washington, and California area, in each case an owner who changed or planned to change the basic use of the land from the time of the original designation?

Mr. LEONARD. To the best of my knowledge, that is correct.

Senator HATFIELD. I would also like to have, either for the record or a brief comment, information on how the agency negotiates scenic easements within a wild and scenic river corridor. Is it on a strictly willing seller basis only? If not, how often is it not on a willing seller basis?

Mr. LEONARD. We certainly intend that our operations be on a willing seller basis. In this case, for the data I just showed you, that 751 acres was scenic easement by condemnation. But again, that is the last resort after we have exhausted the possibility of a negotiated agreement.

Senator HATFIELD. Now, take the private land within these corridors of scenic wild river designation. Is trespassing allowed on private land if there is no scenic easement?

Mr. LEONARD. The scenic easement has to do with protecting the view from the river, and it does not provide—it is not an easement that provides access to the public. It has to do with control over the kinds of structures or development that might take place, so the person utilizing the river does not come around the corner in a forest environment and suddenly find a large condominium built next to the river, painted pink.

Senator HATFIELD. Are there other restrictions placed on the rights of private land owners in such a corridor, other than the view and significant changes in the use of that land?

Mr. LEONARD. Not through the scenic easement process, no. The only other restriction or the only other way we would exercise an activity is an attempt to acquire in fee if we needed the lands for access, for example, to the river.

But the scenic easement process itself——

Senator HATFIELD. Let us talk a little bit about that access. Now, if you have a private owner in this corridor, how do you determine the criteria necessary to access his land?

Mr. LEONARD. We would develop, for each river, a river management plan, which would determine what public use was desirable on the river.

The development of that plan would be an open public process with public hearings, so that there would be ample opportunity for the people to make their wishes known.

And we would try to find, if the river needed access for fishermen or for rafting or whatever recreational uses might be made of the river, locations where we had a willing seller or somebody who was willing to give us an easement to that property.

It would, again, only be the last resort with no reasonable alternatives before we would pursue any type of condemnation to get access.

Senator **Hatfield**. You would find a willing seller to gain this access or to provide an easement, then you are saying?

Mr. **Leonard**. That is right. And again, looking at the history of the 1,400 miles in the existing system, we have never exercised condemnation for that purpose.

Senator **Hatfield**. I was going to ask how often you use condemnation for access. You have not?

Mr. **Leonard**. In looking at the entire portion of the National Wild and Scenic River System administered by the Forest Service, we have not exercised condemnation for that purpose in the last 10 years.

Senator **Hatfield**. Have you any historic data as to how river usage changes after designation of scenic wild river? That is, do rivers become more heavily used after designation?

Mr. **Leonard**. We have had some experience, particularly with recreation rivers, that suggests an increase in use after designation.

Senator **Hatfield**. Is this information available for your forest supervisors? Has any of the historical data on experience of usage been distributed?

Mr. **Leonard**. I cannot answer that. I will furnish that for the record. I might point out that the total usage of rivers in general, whether classified or not, has increased substantially over this period. White water rafting, float trips and things are of increasing interest and it is hard to segregate what part of the increase might be associated with classification of the river versus what is a normal increase in use on these rivers.

Senator **Hatfield**. If you do have this data available in your office, would you submit it for the record?

Mr. **Leonard**. We will submit whatever we have for the record, yes.

Senator **Hatfield**. Then I would urge you to consider the possibility of communicating that data to your forest supervisors so that they will have data available as well, to answer questions within the areas that this bill, at least, represents.

Mr. **Leonard**. We will certainly do that.

Senator **Hatfield**. Mr. Robison, you are in a little different time frame here on this process than the Forest Service. I have not neglected you, and again I would invite you to make any additional comment or provide any information you think would be helpful for this Committee in considering this bill.

Mr. **Robison**. As the Chairman is aware, we have put together a series of reports covering the rivers that are of concern to us in this bill and have furnished those reports to the Chairman and to other members of the Committee.

We do not have resource management plans prepared for all of the areas involved, but we do feel that we are sufficiently familiar with the river segments, having managed them for a considerable period of time and having experience with respect to them, that we are secure in making the recommendations that we have made.

Those reports cover recreational use, they cover conflicts in use; and they cover mineral resources, timber resources, things of that nature. We feel relatively good about the effort that we have undertaken and feel that it is representative of the actual situation.

Senator **HATFIELD**. Mr. Robison, does the BLM have any opinions at this time on the best use for the Klamath River Gorge?

Mr. **ROBISON**. It does not.

Senator **HATFIELD**. When will you have an opinion on the Klamath River Gorge?

Mr. **ROBISON**. That is a question, Mr. Chairman, that came up in our discussions in preparation for this particular hearing. Our comments as we provided them relate to the river segments that are contained in the bill.

My answer to your question would have to be that we have no present plan to address that issue unless it comes to our attention.

Senator **HATFIELD**. Will it not come into your process?

Mr. **ROBISON**. It will at some time, yes, but I cannot tell you where we stand with respect to that.

Senator **HATFIELD**. Could you accelerate that process a little bit, to address that sooner than later?

Mr. **ROBISON**. I am sure that the Department of the Interior could comply with any request that the Chairman might have in that regard.

Senator **HATFIELD**. I will probably write you a little note sometime.

Did you have anything further, Mr. Leonard, on any of these rivers?

Mr. **LEONARD**. No, Mr. Chairman.

Senator **HATFIELD**. Mr. Robison, I want to thank both of you gentlemen for your help. We will be submitting further questions to you that I do not want to delay the hearing at this point to ask, but I will submit these further questions to you for the record. And I would like to hear back as soon as possible. We want to try to move this bill yet this session.

Mr. **LEONARD**. Mr. Chairman, our staff will be pleased to work directly with your staff in any way they can assist.

Senator **HATFIELD**. We thank you very much for your specific recommendations on these river segments. I have not had time to study each one of them, but they look like they strengthen the bill in the many instances that we have looked at. So, thank you very much.

At this time I would like to invite the President of the Oregon Rivers Council, Robert Doppelt, Kevin Coyle, the Vice President and Conservation Director of the American Rivers, Incorporated, Jim Blomquist, Washington Representative of the Sierra Club, and Brock Evans, Vice President for National Issues of the Audubon Society, as the first panel.

That's an interesting configuration. A while ago, while we had the 100th Senate picture taken on the steps of the Capitol, we had the Republicans on one side and the Democrats on the other side, the liberal Republicans on the left and the conservative Republicans on the right, the same with the Democrats. Now, what is this particular configuration here today? [Laughter.]

Mr. **Blomquist**. Brock and I are going to be on opposing sides.

Senator **Hatfield**. Gentlemen, we are happy to have each one of you here today, and the organizations that you represent. All of them enjoy a very high standard of reputation and integrity here and we are just happy to welcome you today on this particular bill. You may proceed as you wish. Your full statements will be placed in the record and I would urge you to summarize or elaborate as you wish.

## STATEMENT OF ROBERT DOPPELT, PRESIDENT, OREGON RIVERS COUNCIL, EUGENE, OR

Mr. **Doppelt**. Senator, good afternoon. For the record, I am Bob Doppelt, President of the Board of the Oregon Rivers Council, and on behalf of the entire Board, we would like to thank you again for introducing this potentially historic piece of legislation and for the leadership you have shown in introducing a really potentially a very visionary piece of rivers protection legislation that could change the nature of the way rivers are addressed, not only in Oregon, but all over the country.

Why is it so significant? The Oregon Rivers Council feels it is significant because Oregon rivers are clearly endangered and conflicts are brewing over protection issues. It is time to change the way that Oregonians look at river protection before those conflicts reach a boiling point, and we believe that these bills are intended to do that.

This is the first attempt to address river protection in a comprehensive manner since the Alaska Lands Act and the original act of 1968. This, again, makes this a very, very significant bill.

As you know, the bills are based on the forest planning process which, for the first time, is given a sound data base to go forward with these bills. We think that is significant, also.

The entire nation is going through forest planning and if this bill is successful the entire nation may take a look at methods for addressing river protection. We think, Senator, that the components necessary for a very important bill or a very precedent setting bill would be to include some of the most critically endangered rivers in Oregon.

Consequently, the ORC has included, with our testimony, a list of 15 rivers and river segments that we feel are the top priority rivers, and those are enclosed there.

Ten of the river segments in those river systems are in the Senate bill, four are in the House bill, and seven are in neither bill, and we would like, if possible, for consideration to be given to all 15 rivers and river segments.

We have been told that this is the first of many bills in Oregon, or at least the first of a number of wild and scenic river bills in

Oregon, and we appreciate that. We hope that that is indeed the case.

Because the bills are based on the forest planning process which, as we have already discussed earlier today, had some flaws in the way they were done and some weaknesses, we believe there are 75 rivers in Oregon that are eligible for wild and scenic designation.

This bill, the Senate bill, will clearly set directions out for addressing all those rivers, and it is the first major step to get that process going. We hope that eventually the long term agenda may be to take a look at all 75 down the road.

We also would like to thank you for addressing private lands in this bill. It is clear that rivers do not stop at public land borders. They flow right into private lands and into State lands.

There are some critical private land rivers in the bill that we would like to see addressed, and this bill could, in fact, set precedents for the entire nation as to how to address private land rivers. And we encourage that kind of direction.

Specifically, you have already heard that condemnation is not used often, if at all. That should set precedent also for relieving the fears of private citizens who own land along the rivers.

But also the development of local citizens' management plans, where Congress gives direction to the local community to develop their own management plan for the river in cooperation with the state, county and federal government, and to present that to Congress and say, this is an approach that we feel will work.

We may require designation, we may not, either state or federal, but for Congress to give the direction to develop those kinds of management plans from the local citizens, we feel, would be a very, very critical step forward, and possibly set precedent all over the nation.

The rest of my testimony is included. I will just end by saying that there has been some questions raised about the impact on land values in wild and scenic river corridors.

We have just found some data on the Rogue River in Oregon that indicates that there has been a .39, or essentially a four percent increase in land values along the wild and scenic Rogue River.

The assessor in Josephine County has told us that land values in Josephine County in the last ten years have stayed the same and, in fact, mostly dropped over the last ten years. And he thinks that it is very significant that along the wild and scenic Rogue it has increased by four percent.

I am happy to answer questions later on but I want to thank you again for taking what we believe is a tremendously landmark step, and hope to be able to work with you and your staff all the way through the rest of the process.

[The prepared statement of Mr. Doppelt follows:]

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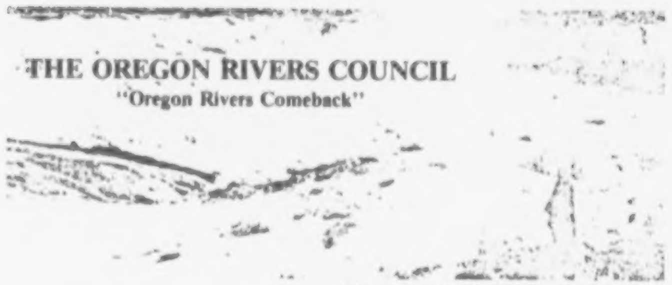

# THE OREGON RIVERS COUNCIL

**"Oregon Rivers Comeback"**

*Celilo Falls inundated by The Dalles Dam, Columbia River, 1956*

## THE OREGON RIVERS COUNCIL POSITION ON THE OREGON OMNIBUS RIVERS BILLS

TESTIMONY PROVIDED JULY 26, 1988

The ORC believes that Senator Hatfield has introduced what is potentially the most significant river protection legislation in the nations history. We thank him and Senator Packwood, who is a co-sponsor, as well as Representatives DeFazio, AuCoin and Wyden for taking this large, yet beginning step.

Why is it so significant?
First, because Oregons rivers are endangered and a rivers and water crisis looms on the horizon for Oregon. Already 13 or the states 18 drainage basins do not meet overall State DEQ water quality standards. Eighty percent of our fisheries are now produced by hatcheries. Only 20% of native production remains. Existing habitat for fish and wildlife continues to be degraded. Over 3500 miles of anadromous fish habitat have been destroyed. The river miles available for river recreation continue to shrink in quantity while the demand for river recreation increases. As more opportunities are lost, the conflicts and problems on the remaining segments become intensified. The conflicts over how to divide up the limited quantity of water, for agriculture, fish, wildlife, domestic use and recreation, grow in intensity also and almost all rivers and basins are over-appropriated already.

It is time to change the usual way that Oregonians have looked at water and river management. The ORC was created with that goal in mind: to find new alternatives, creative alternatives, to protecting and enhancing Oregon's rivers.

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Yet, so few rivers have any degree of protection. Only 856 miles of river are protected in the State Scenic Waterway System in Oregon. Only 317 miles areprotected under the National Wild and Scenic river system in the state: segments of the Rogue, Owyhee, Illinois and Snake. As there are over 90,000 miles of rivera, streams and wetlands in Oregon, this is a paltry amount.

Rivers are the last major natural resource that is well used by the public for recreation to receive any degree of comprehensive attention and planning. It is time to begin this process, and protect the most outstanding river segments. This may make it clearer to others as to what type of developments are compatible in those areas, and which river segments are more available for judicious development.

So why are the bills so significant? First, because it is the first comprehensive look at Wild and Scenic river protection in the nation's history and Oregon's history. There are only 75 Wild and Scenic rivers in the country. These bills could add 45 or more rivers to the national system to Oregon alone (though as it stands it is not a totally comprehensive, but its a landmark first step.)

Second, because they may address many of Oregon's most threatened rivers. This is a priority to the O.R.C. If the bills do not do this, they may not be successful. The ORC has included a list of the top 15 rivers needing protection.

Third, because they may set precedents for how to address key issues in river protection for future bills in Oregon and for the nation. We have been told by the Senator that this is not the last, but only the first Oregon rivers bill. We fully hope and expect this to be the case. The O.R.C. believes there are over 75 Oregon rivers eligible for National Wild and Scenic designation. This bill, because it addesses rivers in some type of comprehensive manner based on the federal land planning process,if passed successfully, will set precedents for the nation. We may also set the groundwork for the next Oregon bill to address those rivers the Forest Service and BLM neglected to study for eligibility this time around. Again, 75 rivers we believe are eligible for designation.

What precedents? The bills may give us a creative avenue to address private lands. This is always a controversial part to any natural resource legislation. Condemnation is a big part of this. Yet it is always true that rural folks do not want their lands, or the nearby public lands affected. Condemnation rights are a large part of that. However, less than 1% of the land in the Wild and Scenic river corridors nationally has ever been condemned. Hence, this is not often utilized and is only used as a last resort. But we believe condemnation is necessary to provide the incentive to keep all developments compatible with the rivers' values.

Unless we find creative ways to address and protect private lands in this bill, it will also not be very successful. Developing local citizen management plans, or co-management bills may be the way to go, or river green lines, or other new creative ideas.

Another possible precedent: the bills have the potential to address entire river systems and allow for the first time in the nation's history, the development of one integrated river management plan for an entire river system. headwaters to the mouth. This would be a precedent unparalled and one that ultimately could be the most important outcome of the bills. Its vital to healthy river management.

So, why is the bill so significant? Because this bill, if passed successfully, will provide the strongest protection for rivers available under American law for many key Oregon rivers. The populace wants this. The rivers need it. As Mason Williams said, "If we can put this river into the bank, we will all be much rivers."

Now there have been concerns raised on a number of issues regarding the bill.

First, the issue of "Why do this? Isn't there another way?" Many say that their rivers are just fine now.

In fact that is not true. The rivers continue to degrade and local citizens and land owners, while well intentioned, are not maintaining rivers' values. In addition, as the population continues to grow and the demand for healthy clean water and for river recreation grows, there will be even greater conflicting demands for the river. This is a way, the only viable way in most cases, to insure that the current values of the river are maintained for future generations.

This bill is the only way to give congressional mandate to federal agencies to permanently protect the rivers' values. Its not an administrative decision that can be changed as economic conditions go up and down, or new agency personnel come and go on the job.

Second, the question of 'another layer of government' has been brought up. In fact the opposite is true. For that designated area, one management plan will be developed that will bring all the conflicitng plans into alignment. It will simplify what is possibly a confusing situation now.

Third, the question of water rights has been raised. It is always raised in Wild and Scenic river bills nationally. It is always a red herring issue. There is no impact on existing water rights. Any future water rights are junior to the senior rights and since most every river in Oregon is over appropriated already, its a moot issue.

The concerns about permits and access to the river has been raised. There are only 6 rivers that are Wild and Scenic in the country(that are not in Wilderness areas, NRA's, National parks and monuments) that have permits. All offer extended overnight trips with whitewater. People bring permits, not Wild and Scenic rivers. If the river is overused, especially by overnight use, it may be permitted with or wothout Wild and Scenic designation. The Deschutes is a classic example. Its well used and could be permitted by the state or BLM without Designation, if they desired.

That leads to the next concern raised, the possibility of increased use due to designation. Our research indicates that there is NO direct connection between Wild and Scenic designation and increased use.

Our data indicates that use will grow commensurate with the states population growth rate except for these possible influences:

1) Close proximity to urban areas. The Clackamas, Sandy, Deschutes, McKenzie etc. will continue to grow in use above normal rate.
2) Loss of other rec. opportunities. The McKenzie is another classic example above and below Leaburg dam.
3) A change in general recreation trends.
4) A great technological improvement in equipment that may open up new areas and rivers to use
5) The development of facilities: If you build lots of campgrounds, boat ramps, improve shuttle roads etc., use will increase. If it is easier to be there, more people will come.

6) River promotion: if the river is promoted by the managing agency with road maps and signs, etc. or by the local community (Grants Pass and the Rogue is a perfect example) use will increase. If it is not promoted, use will not increase. Owyhee is a classic example of no promotion and hence, no recognition or increased use.
7) A change in population growth rate.

If these things occur, use many increase, If they do not, use will be at the population growth rate. Of course, that's true for ANY river. Hence, there is not direct connection between Wild and Scenic designation and increased use.

Concerns about increased trespassing and more focused access have been raised. In fact, the purpose of the Wild and Scenic Act is to maintain the values of the river. Hence, in some cases this may mean to restrict access by not building access point, setting some areas off limits to fishing, rafting, camping, etc. to maintain the values. Steamboat Creek is a classic example of a river that should be managed to maintain the fisheries. There is no control over private lands, landowners can post no trespassing signs, as many do already.

There has also been concern about the impacts on land values. Our preliminary research indicates that land values in Wild and Scenic river corridors increase. Remember how land values increased for beach front property once Oregon's beaches were protected. Those homes are almost priceless now. Many people jump at the chance to purchase a home in a scenic, protected area with the guarantee that those values will remain into the future.

The data the ORC has gathered from the Rogue River is a perfect example of hoe designation has increased land values. The data enclosed indicates that in the past 10 years land values on the Rogue in the Wild and Scenic segment have increased .39% or almost by 4%. However, Chief appraiser Cal Perkins of the Josephine County Assessors office says that general values have stayed the same or declined in the last 10 years, except on the Rogue.

This is some good hard data that indicates that designation helps land values.

Finally, these have been concerns raised about the timber impacts of the bill. Less than 50% of the rivers in the bill are timber values. Many of the designation are "recreational" where timber harvest continues almost as before, or "Scenic" where it continues except to maintain the viewshed. Hence, the Forest Service's own assessment indicates that only 3.75 million board feet a year are affected by the bill. Even if this is in errort by 10 fold, this would be a proper trade off to protect a resource that has been ignored for years, and that the public clearly wants protected.

Remember that while these are historic bills in terms of what has been done previously, they still address less that 2% of Oregon's river miles. This is a modest bill. The timber trade offs are minimal and worth it.

Of course, the real key is not what can be introduced, but what can be PASSED by Congress. This is the test cf a landmark piece of legislation. The ORC believes that, if passed with the issues I have stated above successfully addressed these will be landmark bills. Their significance for water policy and river protection will be unprecedented.

Senator, I would like to make two final comments.

First this bill, as you know, is based on the Forest Planning process. However, Region 6 of the USFS errored in its Wild and Scenic Rivers 'eligibility' studies. They did not address all the necessary rivers which flow through the Forest for potential eligibility. When they did address a river, incorrect criteria was applied to determine eligibility, and many were found erroneously ineligible. Almost all (except 5) found eligible were found 'not suitable' for designation because any degree of conflict was enough to make them ineligible. Even the classification studies were erroneous in many cases. The ORC believes that 75 rivers qualify for National Wild and Scenic river designation. The 40 river bill will be a grand, landmark step forward towards addressing these 75.

Senator, we have written the Forest Service pointing out these problems and asking for a statement of when additional eligibility studies will be done statewide. The response was insufficient.

Senator, we would like to formally request that congressional direction be given to Region 6 USFS to list, in specifics, what additional rivers will be assessed for eligibility and what changes will be made in the eligibility classification, suitability and recommendations that were made. This may avoid appeals down the road. Time is of the essence here. We would appreciate knowing this within one month from today.

Finally, the ORC is developing a 'communities and rivers' program to work with private land owners and local communities to develop participation and initiatives from the local level to protect rivers. We hope that support for this program, which is still in the 'building blocks' can come from your office. This may assist other rivers, not addresses in these bills but which need protection and enhancement, to be addressed at a later date.

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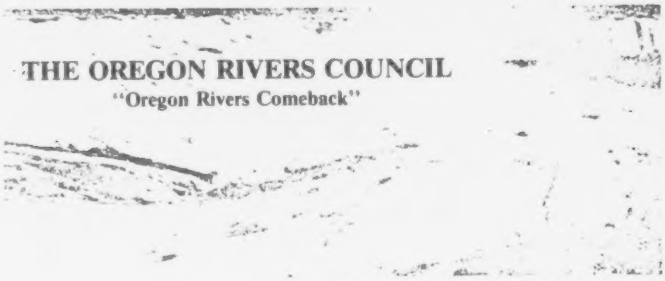

# THE OREGON RIVERS COUNCIL

**"Oregon Rivers Comeback"**

*Celilo Falls inundated by The Dalles Dam, Columbia River, 1956*

The following list is the high priority rivers the ORC believes should be included in the Omnibus National Wild and Scenic River bills. NOTE: Except for the Upper Klamath and Grande Ronde/Wallowa,thes remain unranked. Exclusion from this list does not suggest that a river is unworthy of Wild and Scenic designation. This is the list of the most threatened rivers that are best protected, and should be protected, under the National Wild and Scenic River system.

| RIVER | SEGMENTS | THREATS |
|---|---|---|
| 1. The Upper Klamath | #J.C. Boyle Dam to Copco Res. | Salt Caves Dam |
| 2. The Grande Ronde | *#Confluence with Wallowa to Wash. State Line. | Logging<br>Road building<br>Streamside development<br>Grazing |
| 2. (Contiguous segments) Wallowa | Confluence with Minam to confluence with Grande Ronde | Logging<br>Road building<br>Grazing<br>Boise Cascade Dam |
| No. Umpqua | Mt Thielsen Wild. boundry to Lemolo Res.<br>*# Soda Spring power House to Rock Creek | Logging<br>Streamside development |
| Steamboat Creek | #Main stem to N. Umpqua<br>Canton creek<br>Little Rock Creek<br>Cedar Creek<br>Bend Creek | Logging |
| Imnaha | *#Main stem, conf. North and South Forks to Snake<br>*#S.Fork: Source to Main | Logging<br>Grazing |
| Nestucca | *#Headwaters to Bay | Logging<br>Grazing<br>Streamside Development<br>Dam on Walker Creek |

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| RIVER | SEGMENTS | THREATS |
|---|---|---|
| Nahalem and Salmonberry | Entire Mainstem and Source of Salmonberry to Nahalem | Logging<br>Grazing<br>Streamside Development |
| Elk | #Main stem to Anvil Creek<br>#All of the North Fork<br>#All of the South Fork | Logging |
| Upper Rogue | *#Source to National Forest boundry | Logging<br>Hydro dams<br>Over development |
| Clackamas | *#Main stem,headwaters to big cliff<br>N. Fork, source to N. F. Res.<br>S. Fork, Source to confl. w/ main stem<br>Oak Grove Fork | Logging<br>Streamside Development |
| Sandy | #Main stem, headwaters to N.F. boundry<br>N.F. Boundry to Dodge Park<br>#Dodge Park to Dabney Park<br>Clear Fork Sandy: source to Main<br>Little Sandy<br>Muddy Fork Sandy<br>Little North Fork | Logging<br>Road building<br>Streamside Development<br>Withdrawals(from Bull Run Res) |
| Santiam drainage | Battle Ax and Opal Cr.<br>North Fork<br>Quartzville Creek<br>Opal Creek<br>South Fork<br>Breitenbush | Logging<br>Streamside Development |
| Deschutes | *#From Wickiup Res. to Upper end of Lake Billy Chinook | Logging<br>Grazing<br>Dams<br>Streamside Development<br>Over appropriation |
| John Day | *#Main stem: Confl. with S. Fork to Tumwater Falls<br>*#South Fork: NF boundry to main stem<br>N. Fork: Source to Main stem<br>Middle Fork: Source to N. Fork | Logging<br>Grazing<br>placer mining<br>Residential development<br>Non-point pollution |

KEYS: * Included in Senate bill
# Included in House and Senate bill

(Note: Other rivers which ranked very high: Metolius, Sycan, Salmon(Mt. Hood), Williamson, Siletz, Donner and Blitzen, North Malheur, Sprague

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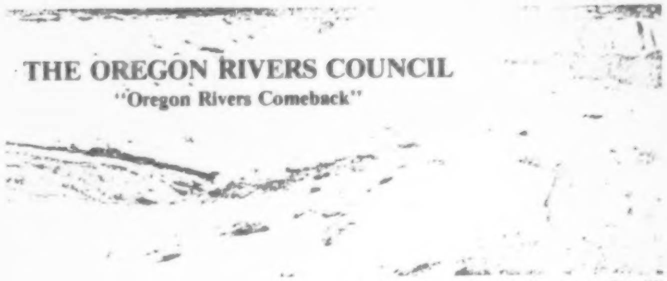

**THE OREGON RIVERS COUNCIL**
**"Oregon Rivers Comeback"**

*Celilo Falls inundated by The Dalles Dam, Columbia River, 1956*

RIVERS O.R.C WOULD LIKE TO SEE ADDED TO THE
OMNIBUS WILD AND SCENIC RIVER BILLS, AFTER
THE PRIORITY 15 ARE
ADDRESSED

N. Malheur
Additional segments of the Sycan
Upper Williamson
Trask
Winchuck
N. and S. Forks of Chetco
Upper Forks of N. Fork Smith
Pistol (as Rehabilitation river)
Sixes
Wilson
S. Fork Blitzen
W. Fork Blitzen
Snake (Asotin Reach)
Little Nestucca
South Umpqua
Castle Rock Fork, S. Umpqua
Squaw Creek
Pine Creek
Main Umpqua
S. Fork McKenzie
N.F. M.F. Willamette
Blue River

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## ROGUE RIVER PRICE TREND STUDY

| Legal | Original Sale | Price | Resale | Price | Years | Annual Rate |
|---|---|---|---|---|---|---|
| 34-7-19-400 | 9-20-76 | $ 34,500 | 6-5-78 | $ 54,367 | 1.7 | 30.13 |
| 34-8-24-600 | 3-19-77 | $ 35,000 | 5-17-79 | $ 57,000 | 2.17 | 24.99 |
| | | | 5-24-85 | $ 68,000 | 6.01 | 2.98 |
| 36-7-2-301 | 11-30-76 | $ 30,000 | 5-23-80 | $ 80,000 | 3.5 | 31.98 |
| 36-7-13-200 | 8-23-77 | $350,000 | 9-6-78 | $445,000 | 1.04 | 25.84 |
| 34-8-36-800-900 | 6-4-79 | $175,000 | 3-12-81 | $196,000 | 1.77 | 6.59 |
| 34-8-36-800 | 7-19-78 | $ 11,500 | 5-4-87 | $ 15,500 | 8.79 | 3.45 |
| 35-7-26-1800 | 10-29-79 | $ 65,000 | 11-1-83 | $135,000 | 4.0 | 20.05 |

## SUMMARY - APPRECIATION RATE STUDY

| Time Span | | | Percent Increase | % Per Year |
|---|---|---|---|---|
| 9/76 | - | 6/78 | 30.13 | 17.72 |
| 8/77 | - | 9/78 | 25.84 | 24.85 |
| 3/77 | - | 5/79 | 24.99 | 11.52 |
| 11/76 | - | 5/80 | 31.98 | 9.14 |
| 6/79 | - | 3/81 | 6.59 | 3.72 |
| 10/79 | - | 11/83 | 20.05 | 5.01 |
| 5/79 | - | 5/85 | 2.98 | 0.50 |
| 7/78 | - | 5/87 | 3.45 | 0.39 |

NOTE: An analysis of the Appreciation Rate Study indicates that for the time period from 12/82 to 2/88, an appreciate rate of 3% per year is appropriate.

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Updated to 09-0

Page 1

ACQUISITION BY UNITED STATES

SALE SUBJECT TO SCENIC EASEMENT

| Scenic Easement Grantor | SE-M- | Date S. E. Signed | Township, Range, Section and Tax Lot | Acres | *S.E. Consid. | Grantor and Grantee | Type of Instru. | Price | Date | Financing | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Charles J. Timmerman | 9 | 01-06-76 | Willamette Meridian, Josephine County, OR<br>T. 34 S., R. 7 W.,<br>Sec. 19, T. L. 400 | 0.89 | a.$ 2,500<br>b. 1,500<br>c. 4-9-75<br>d. 26,000 | 1.Timmerman to Benedetti | Warranty Deed | $34,500 | 09-20-76 | Trust Deed | Benedetti-Grantor,<br>Trans. Amer.-Truste<br>First Federal Savin<br>& Loan-Beneficiary;<br>$25,900. Recorded<br>Vol. 212, Pg. 2118<br>the Mortgage Record<br>of Josephine County. |
| | | | | | | 2.Benedetti to Goss | Warranty Deed | 54,367 | 06-05-78 | Assumed Loan of Benedetti | |
| | | | | | | 3.Goss to Minnis 1/2 interest | Bargain & Sale Deed | 15,000 | 09-12-78 | | |
| | | | - | | | 4.Goss to Minnis 1/2 interest | Bargain & Sale Deed | 20,000 | 01-12-79 | | Assumed loan 3/4 no<br>a good sale, may hav<br>been other things<br>involved. |
| Caleb L. Wade et ux | 13 | 11-04-76 | T. 34 S., R. 8 W.,<br>Sec. 24, T. L. 600 | 4.06 | a.$ 3,000<br>b. 1,500<br>c. 9-9-76<br>d. 38,600 | 1. Wade to Rowse | Warranty Deed | $35,000 | 03-19-77 | | 215-114<br>228-762 trust deed-<br>Rowse beneficiary<br>$11,500 due 12-1-79<br>764,246 trust deed<br>Rowse beneficiary<br>$1300 due 5-1-81 |
| | | | | | | 2. Rowse to Simons | Warranty Deed | 57,000 | 05-19-79 | | |
| | | | | | e. 81,750 | 3. Simons to Whitmore | Warranty Deed | 68,000 | 05-24-85 | | Vol. 61, Page 2434 |
| Donald MacLean et ux | 48 | 10-21-77 | T. 36 S., R. 7 W.,<br>Sec. 14, T.L. 802 and<br>T.L. 700 & 2100 | 5.19 | a.$10,000<br>b. 7,500<br>c.6-17-77<br>d.150,000 | 1. MacLean to Long | Warranty Deed | 135,000 | | | |
| | | | | | | 2. Long to Allison | Warranty Deed | 175,000 | 10-02-81 | | Vol. 18, Pg. 1811 |

*a. Scenic Easement Consideration
b. Appraisal Value
c. Valuation Date
d. Before Value
e. Assessed Value

Updated to 09

ACQUISITION BY UNITED STATES | SALE SUBJECT TO SCENIC EASEMENT

| Scenic Easement Grantor | SE-#- | Date S. E. Signed | Township, Range, Section and Tax Lot | Acres | *S.E. Consid. | Grantor and Grantee | Type of Instru. | Price | Date | Financing | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| William Breaker et ux | 38 | 09-27-77 | T. 36 S., R. 7 W., Sec. 2, T.L. 300 | 9.59 | a.$ 6,500<br>b. 5,000<br>c.3-24-77<br>d. 31,000 | 1. Breaker to Evert | Warranty Deed | $30,000 | 11-30-76 | Trust Deed | $30,000-$3,000 dow 7.2% inter.(Vol.2 1954). Trust Deed $27,000.(Breaker-beneficiary) Evert Grantor. Josephine Title-trustee. Note Negotiations for th S.E. were in progr at time of sale.Ow reduced asking pri reserved first$15, of easement consid |
| | | | | | | 2. Evert to Salwasser | Memo of Contract | $80,000 | 5-23-80 | Unrecorded contr. | Vol. 2, Page 237. |
| Howell Clinton Lea et ux | 20 | 03-09-77 | T. 36 S., R. 3 W., Sec. 13, T.L. 200 | 56.50 | a.$65,000<br>b. 55,000<br>c.10-12-76<br>e.290,000 | 1. Lea to Cornelia (Note: 110.05ac. sold of which 56.5 are under S.E.)Bk. 325, Pg. 1949 | Agreement | 350,000 | 08-23-77 | | |
| | | | | | | 2. Cornelia to Wheeler (Note: 110.05ac. sold, of which 56.5 are under S.E.) Vol.353,Pg.1683. | Contract | 445,000 | 09-06-78 | Unrecorded contract. Escrow held by S.O.State Bank. | |

*a. Scenic Easement Consideration
b. Appraisal Value
c. Valuation Date
d. Before Value
e. Assessed Value

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Page 3

Updated to 09-

ACQUISITION BY UNITED STATES

SALE SUBJECT TO SCENIC EASEMENT

| Scenic Easement Grantor | SE-R | Date S. E. Signed | Township, Range, Section and Tax Lot | Acres | *S.E. Consid. | Grantor and Grantee | Type of Instru. | Price | Date | Financing | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Cecil H. Hubell et al | 137 | 04-20-79 | T. 34 S., R. 8 W., Sec. 36, T.L. 800,900 and CAISC | 7.77 | a.$17,000<br>b. 8,200<br>c. 5-3-78<br>d.109,000 | 1. Hubell et al to Robert & Katty Simon & Paul Brooks | Contract | 175,000 | 06-22-79 | Land Sale Contract | Galice Store |
| | | | | | | 2. Simon - Thompson | Memo. of Agreement | 156,000 | 03-13-81 | Land Sale Contract | Vol. 11, Pg. 1787 |
| Trenor Scott et ux (Condemnation) Civil No.76-352 | 7 | Condemn. Declaration of Taking 04-14-76 | T. 35 S., R. 7 W., Sec. 16, T.L. 612 | 2.51 | a. Trial Pending<br>b.$ 500<br>c. 5-3-78<br>d. | Watson to Praytor | Warranty Deed | $ 9,300 | 10-19-77 | | 219-128 Trust Deed, Praytor as Grantor, Watson Beneficiary $6500 due 10-78. |
| Roland Barker et ux | 63 | 04-19-78 | T. 34 S., R. 8 W., Sec. 36, T.L. 20-902 | 0.54 | a.$ 5,000<br>b. 1,500<br>c.2-10-78<br>d. 24,300 | Barker to Patterson | Contract of Sale Vol.331, Pg.1157 | $21,900 | 09-19-78 | Contract of Sale | $21,900-$2,190, next $194/month at 8 1/2 interest. Vol.333, Pg. 1157 |
| Roland Barker | 61 | 04-15-78 | T. 34 S., R. 8 W., Sec. 36, T.L.800 | 0.55 | a.$24,000<br>b. 21,900<br>c.2-10-78<br>d. 22,900 | 1) Barker to Judd | Land Sale Contract | $11,100 | 07-19-78 | Land Sale Contract | Vol. 333, Pg. 1144 |
| | | | | | | 2) Judd to Patterson | Bargain & Sale Deed | 15,500.<br>~~$14,000~~ | 05-04-87 | | Vol. 85, Pg. 365 - not arms length sale |
| Georgia Ar[illegible]ad et al | 48 | 09-08-77 | T. 34 S., R. 7 W., Sec. 14, T.L. 3-700 | 0.79 | a.$ 6,000<br>b. 2,900<br>c.5-11-76<br>d. 13,700 | 1) Armstead to Smith | Warranty Deed | $34,000 | | Trust Deed | $11,000, Vol.223, Pg 1313 of Mort.Records Trust Deed Armstead et al Beneficiary. |
| | | | | | | 2) Smith to Madsen | Warranty Deed | $51,000 | 10-5-82 | | Vol. 30, Page 376 |
| | | | | | e. 45,820 | 3) Madsen to Seardon & Baine | Warranty Deed | $51,000 | 09-27-84 | | Vol. 44, Page 135 |

*a. Scenic Easement Consideration
b. Appraisal Value
c. Valuation Date
d. Before Value
e. Assessed Value

92-18

ACQUISITION BY UNITED STATES

Updated to 19-

SALE SUBJECT TO SCENIC EASEMENT

| Scenic Easement Grantor | SE #- | Date U. S. Signed | Township, Range, Section and Tax Lot | Acres | *U.S. Consid. | Grantor and Grantee | Type of Instru. | Price | Date | Financing | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Lawrence I. Green et ux. et al | 44 | 10-20-77 | T. 36 S., R. 7 W., Sec. 14, T.L. 2-101 | 5.00 | a.$ 7,000<br>b. 2,000<br>c.5-10-77<br>d. 63,000 | Green to Reid | Memo of Agreement | $50,067 | 11-07-78 | Agreement | |
| Trenor Scott et ux Condemnation Civil No. 76-352 | 7 | 04-14-76 | T. 35 S., R. 7 W., Sec. 14, T.L. 616 | 2.69 | a. Trial Pending<br>b.$ 640 Deposit<br>c.4-14-76<br>d. 6,400 | Kellerman to Hanson | Warranty Deed | $18,000 | 07-31-78 | | |
| Kermitt O. Bekke | 51 | 11-03-78 | T. 32 S., R. 7 W., Sec. 25, T.L. 423 | SE- 4.22<br>Total 5.22 | a.$15,000<br>b. 15,000<br>c.10-17-77<br>d. 25,000 | Bekke to Kroese | Warranty Deed | $25,500 | 10-23-78 | | |
| Trenor Scott et ux. Civil No. 76-352 | 7 | 04-14-76 | T. 35 S., R. 7 W., Sec. 14, T.L. 609 | 2.55 | a. Trial Pending<br>b.$ 5,150 Deposit<br>c.4-14-76<br>d. 6,400 | Scott to Wilson | Warranty Deed | $ 930 | 05-29-79 | None | Wilson contr.for purchase of lot 18 pri to grant of scenic easement involving l 9, Grantor was obligated to purchase lo 9 at specified price of $930. This deed i an exercise of that land sale contract provision specifical the option. |

*a. Scenic Easement Consideration
b. Appraisal Value
c. Valuation Date
d. Before Value
e. Assessed Value

ACQUISITION BY UNITED STATES

Updated to 8
SALE SUBJECT TO SCENIC EASEMENT

| Scenic Easement Grantor | SE.# | Date S. E. Signed | Township, Range, Section and Tax Lot | Acres | *S.E. Consid. | Grantor and Grantee | Type of Instru. | Price | Date | Financing | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| John Murphy et ux | 141 | 06-28-79 | T. 35 S., R. 7 W., Sec. 35, T.L.108, 109 | 2.76 | a.$49,500<br>b. 47,500<br>c.5-23-79<br>d.210,000 | Murphy to Mortinson | Grant Deed | 160,000 | 08-03-79 | | Vol. 318, Pg. 111 |
| Wayne D. Bowie | 116 | 12-20-78 | T. 35 S., R. 7 W., Sec. 26, T.L. 2000 | 2.00 | a.$ 5,000<br>b. 1,500<br>c. 5-2-78<br>d. 78,000 | 1) Bowie to Rock | Warranty Deed | $79,500 | 07-20-79 | Trust Deed | Vol. 329, Pg. 141 |
| | | | | | | 2)Rock (Campbell) to Sloan | Warranty Deed | $80,000 | 12-04-87 | Warranty Deed | Doc. No. 87-[illegible]17 |
| J. G. McQuiesten et al | 74 | 06-20-78 | T. 36 S., R. 7 W., Sec. 14, T.L. 1800 & 1801 | 4.05 | a.$30,000<br>b. 23,750<br>c.3-29-78<br>d. 82,750 | McQuiesten to Thalhamer | Warranty Deed | 116,000 | 10-29-79 | Trust Deed | Vol. 317, Pg. 950 |
| Tond Gilmore et ux | 4 | 11-13-74 | T. 35 S., R. 7 W., Sec. 11, T.L. 1200 | 5.50 | a.$16,500<br>b. 16,500<br>c. 9-3-74<br>d. 83,000 | 1) Gilmore to Hill | Contract | 139,000 | 10-29-79 | Contract | Vol. 339, Pg. 173 |
| | | | | | | 2) Hill to Ross<br>3) Ross to Hinkley<br>4) Crawn & Jones | Warranty Deed | 115,000 | 9-26-80 | | Vol. 5, Pg. 2505 |
| Jay Leonard et al | 143 | 06-12-79 | T. 35 S., R. 7 W., Sec. 26, T.L. 1800 | 1.48 | a.$ 5,000<br>b. 1,500<br>c.7-18-78<br>d. 60,400 | 1) Leonard to Allen | Warranty Deed | $65,000 | 10-29-79 | Trust Deed | Vol. 330, Pg. 1172 warranty deeds recorded, each for $32,5 vol.339, Pg.2045;v 339,Pg.2047; $48,2 for 20 years. |
| | | | | | | 2) Allen to McGill | Warrany Deed | $135,000 | 11-01-83 | | Vol. 43, Pg. 122. |

*a. Scenic Easement Consideration
b. Appraisal Value
c. Valuation Date
Before [illegible]

6/51H

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ACQUISITION BY UNITED STATES

SALE SUBJECT TO SCENIC EASEMENT

| Scenic Easement Grantor | SE-M- | Date S. E. Signed | Township, Range, Section and Tax Lot | Acres | *S.E. Consid. | Grantor and Grantee | Type of Instru. | Price | Date | Financing | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Robert D. Yarroll et ux | 66 | [illegible] | Galice Subdivision, Lot 4, Blk. 3 in Sec. 16, T. 34 S., R. 8 W., T.L. 1700 | 0.74 | a.$ 5,000<br>b. 1,500<br>c.1-24-78<br>d. 43,500 | 1. Yarroll to Abrams | Land Sale Contract | $47,500 | 06-2[illegible]-79 | Contract | Vol. 13[illegible], Pg. [illegible] |
| | | | | | | 2. Abrams to Matney | Assign. of Contract | $50,000 | 09-15-8_ | | Vol. 5, Pg. 1147 |
| Raymond F. Peyton et ux | 65 | 06-13-78 | T. 35 S., R. 7 W., Sec. 35, T.L. 2700 | S.E. Area 14.48<br>Total 26.60 | a.$28,000<br>b. 13,450<br>c.10-13-77<br>d.111,450 | Peyton to Woolsey | Memo of Contract | 101,000 | 11-26-79 | Unrecorded contr. held by seller | |
| Sundance Exped. et al | 14 | Condemn. DT as of 11-29-77 | T. 34 S., R. 8 W., Sec. 24, T.L. 100 | 1.58 | a. Trial Pending<br>b.$ 2,100<br>c.9-21-76<br>d. 48,300 | Sundance to Saul et al | Warranty Deed | $78,000 | 0[illegible]-14-80 | | |
| | | | | | | Koons et al to Perry | Warranty Deed | $75,[illegible] | 11-14-[illegible] | Trust Deed | Volume 1[illegible], Pg. [illegible] |
| Shimabukuro | 18 | 12-02-77 | T. 36 S., R. 13 W., Sec. 14 | 0.85 | a.$11,050<br>b.$11,000<br>c.1-3-77<br>d.$12,800 | Shimabukuro to Reid | Warranty Deed | $62,000 | [illegible] | Assumed Trust Deed in Vol. 162, Pg. 278 | Vol. 8, Pg. [illegible] |

*a. Scenic Easement Consideration
b. Appraisal Value
c. Valuation Date
d. Before Value
e. Assessed Value

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Page 7

Updated to 7

ACQUISITION BY UNITED STATES — SALE SUBJECT TO SCENIC EASEMENT

| Scenic Easement Grantor | SE-m | Date S. E. Signed | Township, Range, Section and Tax Lot | Acres | *S.E. Consid. | Grantor and Grantee | Type of Instru. | Price | Date | Financing | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Roller, W. | 56 | 01-23-77 | Lots 10 & 11, Galice Subdivision-T.L. 1000 & 1100 | 0.87 | a.$5,000<br>b.$2,000<br>c.2-10-78<br>d.115,800 | Roller to Matney | Warranty Deed | $87,550 | 12-20-80 | | Vol. 8, Pg. 2035 Roller is Matney father-in-law |
| Clark | 111 | 12-11-78 | T. 35 S., R. 7 W., Sec. 26-00-8-T.L.2400 | 2.64 | a.$5,000<br>b.$1,500<br>c.6-29-78<br>d.$74,000 | Clark to Wacker | Warranty Deed | 125,000 | 02-06-81 | | Vol. 10, Pg. 753 |
| Vaughn, Norman A | 114 | 01-12-78 | T. 35 S., R. 7 W., Sec. 26-00-8 T.L.201-5 | 1.56 | a.$5,000<br>b.$1,500<br>c.6-12-78<br>d.$75,000 | Vaughn to Buist/ Martin | Warranty Deed | $72,000 | 06-03-81 | | Vol. 15, Pg. 296 (This could be a distress sale. Mr Vaughn had passed away). Jo. Co. assessed value w. $81,670 |
| Currie, Kenneth R. | 41 | 10-13-77 | T. 35 S., R. 7 W., Sec. 35-30-5 T.L. 708-1 | 5.62 | a.$7,000<br>b.$5,500<br>c.7-21-77<br>d.$36,500 | Currie to Ewalino | Warranty Deed | $97,500 | | | Vol. 16, Pg. 110 |
| Padgett | 145 | 02-26-81 | Willamette Meridian, Josephine County, OR<br>T. 35 S., R. 7 W., Sec. 35, T. L. 1300 | 4.09 | a.$12,000<br>b. 2,500<br>c.7-18-78<br>d.151,200 | 1) Padgett to Baumstark | Warranty Deed | $175,000 | 07-20-82 | | Vol. [illegible], Page 1 Property was sold immediately after Padgett's death |
| | | | | | e.155,520 | 2) Baumstark to Edwards | Warranty Deed | [illegible] | 01-27-85 | | Vol. 57, Pg. 1444 |

*a. Scenic Easement Consideration
b. Appraisal Value
c. Valuation Date
d. Before Value
e. Assessed Value

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Page 8

ACQUISITION BY UNITED STATES

Updated to 6

SALE SUBJECT TO SCENIC EASEMENT

| Scenic Easement Grantor | L.M. | Date S. E. Signed | Township, Range, Section and Tax Lot | Acres | *S.E. Consid. | Grantor and Grantee | Type of Instru. | Price | Date | Financing | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Stafford | 26 | 05-26-77 | T. 35 S., R. 7 W., Sec. 2, T. L. 1400 | 10.45 | a $12,500<br>b. 6,500<br>c.1-19-77<br>d. 67,500 | Stafford to Sakraida | Land Sale Contract | $155,000 | 07-26-82 | | Vol. 0927, Page |
| Richards | 46 | 10-28-77 | T. 36 S., R. 7 W., Sec. 148, T.L. 600 | 1.62 | a. $6,000<br>b. 2,000<br>c.5-11-77<br>d. 43,000 | Richards to Madsen | Warranty Deed | $ 76,500 | 08-23-82 | | Vol. [illegible], Page |
| Linebaugh | 63 | 04-06-76 | T. 14 S., R. 4 W., Secs. 36-23-8, T. L. 1429-1 | 0.36 | a. $5,600<br>b. 1,500<br>c.1-20-76<br>d. 49,100 | Linebaugh to Fox | Warranty Deed | $ 72,500 | 08-10-82 | | Vol. 26, Page 25 |
| Sanford | 115 | 10-18-78 | T. 34 S., R. 8 W., Sec. 16-00-1, T.L. 1000-00-9 | 1.18 | a. $5,000<br>b. $8,250<br>c. 3-7-78<br>d.$30,000 | Sanford to Gilpin & Beatton | Warranty Deed | $ 45,000 | 02-01-83 | | Vol. 35, Page [illegible] |
| Scott | [illegible] | 04-14-76 | T. 35 S., R 7 W., Sec. 14, T.L. 692-X | 17.35 | a.<br>b.<br>c.<br>d. | Fritzen to Hussey | Contract | 24,000 | 06-28-81 | | Vol. 34, Page 12 |
| Wampler/Kochis | 91 | 12-13-78 | 35-7-14-00-1 | 13.09 | a.$21,000<br>b. 14,500<br>c. 6-15-77<br>d. 87,000 | Kochis to Wagner | Warranty Deed | 140,000 | 06-29-81 | | Vol. 39, Page 832 |

*a. Scenic Easement Consideration
b. Appraisal Value
c. Valuation Date
d. Before Value
e. Assessed Value

ACQUISITION BY UNITED STATES

SALE SUBJECT TO SCENIC EASEMENT

| Scenic Easement Grantor | SE-M- | Date S. E. Signed | Township, Range, Section and Tax Lot | Acres | *S.E. Consid. | Grantor and Grantee | Type of Instru. | Price | Date | Financing | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Blush | 100 | 10-27-78 | T. 35 S., R. 7 W.,<br>Sec. 35, T.L. 100 | 7.33<br>1983 - | a.$ 6,000<br>b. 2,500<br>c. 8-1-78<br>d.$142,000<br>e. 128,940 | 1) Blush to Nature Conservancy | Warranty Deed | $203,000 | 01-24-84 | | Vol. 45, Page 159 |
| | | | | | | 2) Nature Conservancy to Franklin | Bargain Sale Deed | Exchange | 01-24-84 | | Vol 45, Page 1596 |

NOTE: An agreement between Blush an Franklin was recorded on January 24, 1984, in Volume 45, Page 1597, wherein Franklin agrees to give Blus a 10-d first option to purchase some property if Franklin decides to sell.

| Scenic Easement Grantor | SE-M- | Date S. E. Signed | Township, Range, Section and Tax Lot | Acres | *S.E. Consid. | Grantor and Grantee | Type of Instru. | Price | Date | Financing | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Joiner | 89 | 01-29-79 | T. 36 S., R. 7 W.,<br>Sec. 14, T.L. 100 | 3.25<br>1983 - | a.$17,500<br>b. 5,000<br>c. 1-29-79<br>d. 93,000<br>e.103,190 | Joiner to Erens | Warranty Deed | $125,000 | 05-04-84 | | Vol. 49, Page 25 |
| Pry Farms et al | 21 | | 36-6-20(301)<br>36-6-19(200)<br>36-6-30(100)<br>36-6-06(800)<br>36-7-13(1800)<br>36-7-24(600,100)<br>36-7-25(100) | 1,245.22 sale includes additional acres outside of S.E. area. | a.<br>b.<br>c.<br>d.<br>e. | Pry Farms to McKinney | Warranty Deed | 2,000,000+ taxes | 07-20-84 | | Vol. 51, Page 227 |

*a. Scenic Easement Consideration
b. Appraisal Value
c. Valuation Date
d. Before Value
e. Assessed Value

E2SEA

Page 37

ACQUISITION BY UNITED STATES

Update? to P

SALE SUBJECT TO SCENIC EASEMENT

| Scenic Easement Grantor | SI-M- | Date U. S. Signed | Township, Range, Section and Tax Lot | Acres | *S.E. Consid. | Grantor and Grantee | Type of Instru. | Price | Date | Financing | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Clark | 96 | 09-07-78 | 34-8-36-600 (Lot 13, Blk. 2, Galice Sub) | 0.47 | a.$25,100<br>b. 21,800<br>c. 6-10-78<br>d. 22,600<br>e. 3,330 | Clark to Barich | Warranty Deed | 4,600 | 09-03-85 | | Vol. 65, Page 31. |
| Judd | 59 | 03-21-78 | 34-8-36 (T.L. 700) (Lot 8, Blk. 2, Galice Subdivision) | .51 | a.$ 5,000<br>b. 1,500<br>c. 2-10-78<br>d. 23,300 | Judd to Myers | Warranty Deed | 18,000 | 01-14-85 | | Vol. 61, Page 19. |
| Allen | 111 | 10-18-78 | 36-7-14-22 T.L. 300 & 501 | .52<br>.67 | a.$ 5,000<br>b. 1,500<br>c. 5-30-78<br>d. 49,500 | Allen to Quinn | This sale was not picked up. | | | | |
| | | | | | e.104,730 | Quinn to Long | Warranty Deed | $170,000 | 11-08-85 | | Vol. 67, Page [illegible] |
| Rust | 61 | 08-28-78 | 36-7-14-22 T.L. 400 | .01 | a.$ 100<br>b. 0<br>c. 5-25-78<br>d. 200<br>e. 100 | Rust to Long, Trustee | Warranty Deed | $1,000 | 01-04-86 | | Vol. 69, Page [illegible] |
| Miller | 12 | 09-30-76 | 35-7-26 T.L. | 1.43 | a.$ 2,575<br>b. 2,575<br>c. 4-8-76<br>d. 25,750 | 1. Miller to Cowan | | | | | |
| | | | | | e. 80,420 | 2. Cowan to George | Warranty Deed | $80,000 | 03-14-86 | | Vol. 71, Page [illegible] |

*a. Scenic Easement Consideration
b. Appraisal Value
c. Valuation Date
d. Before Value
e. Assessed Value

ACQUISITION BY UNITED STATES

Updated to

SALE SUBJECT TO SCENIC EASEMENT

| Scenic Easement Grantor | SI-M- | Date S. E. Signed | Township, Range, Section and Tax Lot | Acres | *S.E. Consid. | Grantor and Grantee | Type of Instru. | Price | Date | Financing | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Smith | 139 | 06-11-79 | 34-8-36-23<br>T.L. 2300 (Lot 10<br>Blk. 3, Galice Sub) | .01 | a.$ 2,500<br>b. 2,500<br>c. 1-24-78<br>d. 75,400<br>e. 41,290 | Smith to Brooks | Agreement | 58,800 | 06-12-86 | | Vol. 74, Page |
| Buiat | 76 | 07-31-78<br>(E.T.) | 35-7-26<br>T.L. 2500 | 1.84 | a.$ 7,800<br>b. 7,800<br>c. 7-31-78<br>d. 16,600<br>e. 34,580 | 1.Buiat to Dexter | Warranty Deed | 20,000 | 07-16-86 | | Vol. 86, Page 9 |
| | | | | | | 2.Dexter to Buiat | Warranty Deed | 71,068 | 03-10-87 | | Vol. 83, Page 1 |
| Breaker | 16 | 09-27-77 | 36-7-2 | 9.59 | a.$ 6,500<br>b. 5,900<br>c. 1-24-77<br>d. 31,000 | Breaker to Getz? | | | | | |
| | | | | | | Getz to Salwasser? | | | | | |
| | | | | | e.125,410 | Salwasser to Miller | Warranty Deed | $90,000 | 06-12-86 | | Vol. 85, Page 9 |
| Fly | 65 | 04-19-78 | 34-8-36-31<br>T.L. 2000, 2100 | 1.23 | a.$13,900<br>b. 8,900<br>c. 1-20-78<br>d.19,900<br>e.14,000 | Fly to Thomason | Warranty Deed | $16,000 | 03-06-87 | | Vol. 91, Page 1 |
| Green | 57 | 03-03-78 | 35-7-14<br>T.L. 500 | 5.26 | a.$ 7,000<br>b. 3,000<br>c.10-19-77<br>d.60,000<br>e.103,940 | Green to Reynolds | Warranty Deed | $132,500 | June 1987 | | Doc. No. 87-0857 |

*a. Scenic Easement Consideration
b. Appraisal Value
c. Valuation Date
d. Before Value
e. Assessed Value

[illegible]

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ACQUISITION BY UNITED STATES

Updated to 05-01

SALE SUBJECT TO SCENIC EASEMENT

| Scenic Easement Grantor | SE-# | Date S. E. Signed | Township, Range, Section and Tax Lot | Acres | *S.E. Consid. | Grantor and Grantee | Type of Instru. | Price | Date | Financing | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Roe | 102 | 10-27-78 | | 1.19 | a.$ 5,000<br>b. 1,500<br>c. 6-12-78<br>d.59,500<br>e.64,160 | Roe to Lacy | Warranty Deed | $58,000 | 09-19-87 | | Doc. No. 87-12760 |
| Arrington | 125 | 12-18-79<br>(D.T.) | 35-7-35<br>T.L. 101 | 4.21 | $a.12,000<br>b. 1,500<br>c. 12-18-79<br>d.88,900<br>e.53,450 | Arrington to Jones | Warranty Deed | 64,500 | 09-02-87 | | Doc. No. 87-14284 |
| Bobell | 57 | 03-10-78 | 34-8-36-21<br>T.L. 2100 | 0.79 | $a.18,300<br>b.13,300<br>c. 02-08-78<br>d.60,100<br>e.41,500 | Bobell to Matney, Sr. | Personal Reps Deed | 58,000 | 03-08-88 | | Doc. No. 88-03375 |
| Crane | 232 | 03-05-79 | 35-7-25<br>T.L. 1400 | 4.20 | a.$ 5,000<br>b. 1,000<br>c. 07-18-78<br>d.13,000<br>e.13,400 | Crane to Harris | Warranty Deed | 26,500 | 03-14-88 | | Doc. No. 88-03623 |
| Bateman | 83 | 09-[illegible]-78 | 36-7-11-00-3<br>T.L. 2105-00-6 | 2.25 | a.$ 5,000<br>b. 1,500<br>c. 05-02-78<br>d.71,300<br>e.38,700 | Bateman to Bateman | Quitclaim Deed | 37,500 | 01-25-88 | | Doc. No. 88-010<br>~~Vol. 92, Page~~<br>Joanne F. Bateman to Robert J. Bateman (to grantors on original easement) |

Center

*a. Scenic Easement Consideration
b. Appraisal Value
c. Valuation Date
d. Before Value
e. Assessed Value

Senator **Hatfield**. Thank you very much. I might say that this bill would not be here today if it had not been for the extraordinary assistance and cooperation that you have rendered in your organization. It has been a great pleasure to work with you and I am very hopeful that we can move this bill, as I say, in this session.

As you know the history of the Columbia River Gorge, started out with the opposition of the Administration, and we faced a stand-off on the final question at the White House on the signature to that bill with the Secretary of Agriculture and the Secretary of the Interior and the Director of OMB, all urging a veto.

Due to good fortune, in this case, we start out with the support of the Administration's representatives in the Forest Service and BLM, and that gives us the encouragement to see this bill through this particular session.

I might say, I do not think I have any more brownie points in my bank at the White House after having traded them all for the Columbia River Gorge. But we got it, finally. And the contras did not get any more of my votes for their money, anyway.

So, I just want to thank you again for your very excellent assistance. One other point on which I want to comment. You were speaking about the number of rivers in addition to the those enumerated in this bill that might be eligible for scenic wild river designation.

I am very definitely interested in pursuing this program of preservation for our rivers; however, I must say that unless we have already talked about these in our public hearings, such as the Elk River and the Sandy River, I could not see them being added.

Getting into anything other than a few tributaries in addition to the ones designated in the bill at this time would, I think, provide us with an obstacle to getting a bill passed and signed into law at the earliest possible time.

I do not know what the House situation is in regards to getting a bill through in this session; however, I do think that we can gain momentum by at least passing it in one body, namely the Senate. And that is my objective.

Okay, who is next?

## STATEMENT OF KEVIN J. COYLE, VICE PRESIDENT AND CONSERVATION DIRECTOR, AMERICAN RIVERS, INC.

Mr. **Coyle**. My name is Kevin Coyle, the Vice President and Conservation Director for American Rivers. I am happy to be here. I had the chance to testify before the subcommittee once before in Oregon City, and so I will keep my comments relatively short for an Irishman.

Let me start off by saying that it is our opinion at American Rivers, having worked on wild and scenic rivers programs, full out, for 15 years, that this is indeed potentially the greatest thing that has happened to the program since the original passage of the Act.

There are a number of reasons for this, most of which you know, some of which are straight forward and factual. It is the most rivers that would ever be added to the system ever, in one fell swoop.

Secondly, it is the most river miles in the lower 48. For those things we are appreciative, although we do support protection of additional rivers in the state of Oregon.

A point, I think, that needs to be stressed, however, is that this bill presents an unusual opportunity in that it takes the forest planning process which American Rivers, working with the Forest Service and other groups, have worked on for quite some time. The idea of getting rivers studied under Section 5(d) of the Act as opposed to Section 5(a) which is normally where they get studied.

And by taking Section 5(d) and using that as a Wild and Scenic Rivers study tool, we are seeing an enormous increase in the number of rivers that are being found eligible for inclusion in the wild and scenic system and, at last count, the Forest Service has found 460 rivers nationwide that are eligible for inclusion in the wild and scenic system.

The Bureau of Land Management is evaluating a preliminary list now of upwards of 100 rivers in their system. So what we see is that 75 rivers that are in the system are being looked at in a much more expansive way through the public lands planning process, and this bill is, in essence, paving the way for the rest of those rivers to follow.

And it is doing it quite simply, that when the recommendations for suitability, and we talked earlier and heard testimony earlier about the difference between eligibility and suitability, when the recommendations for suitability come out, there is a certain, shall we say, caution on the part of the Federal agencies to come forward and recommend bills.

And what your bill is showing, I think, is that rivers that are found eligible can get legislative support. They can get the support of the United States Congress, they can get the support of citizens and, while there are always going to be concerns of landowners and so forth, that maybe the agencies do not have to be quite as cautious as they are in making their recommendations. I think there is a lot of anticipatory caution in this regard.

And for that we are deeply grateful to you. Let me just say that there are some other states that are looking at this possibility. There are members of the delegation of the State of Washington that are exploring the possibility of a state-wide omnibus rivers act.

In the State of Montana there has been some preliminary discussions of this issue. Again, we are very grateful to you for setting this model.

Let me conclude by saying that, of the various rivers that have been discussed as potential additions to this bill, we are obviously and continue to be concerned very much about the Klamath River.

This year the Klamath River was added to American Rivers' most endangered rivers list, one of the ten most endangered rivers in the country. And we are hopeful that at some point the Klamath can be protected under the Wild and Scenic Rivers program. And with that, I will conclude my remarks.

[The prepared statement of Mr. Coyle follows:]

American Rivers

STATEMENT OF KEVIN J. COYLE, VICE PRESIDENT

AMERICAN RIVERS, INC.

Concerning S. 2148, a Bill to
Amend the Wild and Scenic Rivers Act

Before the Senate Subcommittee for Public
Lands, National Parks and Forests

July 26, 1988

Also on behalf of The Wilderness Society

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Thank you, Mr. Chairman, for this opportunity to testify before the Subcommittee today. My name is Kevin Coyle, and I am Vice President and Conservation Director for American Rivers, the Nation's Principal river-saving organization. Mr. Chairman, this is the second time I have had the opportunity to address the subcommittee on this important legislation and so my comments will be brief. My testimony is also being offered today on behalf of the Wilderness Society.

As you may know, we consider this bill to be the most significant Wild and Scenic River proposal since the passage of the Act twenty years ago. We commend Senators Hatfield and Packwood for their vision in introducing this legislation. It is significant in at least five ways. First, it would add the most rivers ever at one time to the national rivers system. Second, it would add the most rivers miles ever at one time in the lower forty-eight states. Third, it acknowledges and affirms the comprehensive river planning efforts of the U.S. Forest Service conducted under the National Forest Management Act and Section 5(d) of the Wild and Scenic Rivers Act. Fourth, it calls for cooperative efforts between the Forest Service and the Bureau of Land Management and therefore also supports BLM's planning efforts under the Federal Land Policy Management Act. Finally, this legislation is a model for future Wild and Scenic River Protection efforts and will set the course for fulfilling the original promise of the Wild and Scenic Rivers System in its twentieth anniversary year.

While we support S. 2148, you may also know that we are concerned that there are other rivers in Oregon that deserve or are in need of Wild and Scenic River designation. Some of these other rivers are contained in House version

H.R. 4164. We urge the subcommittee to support the protection of these additional rivers and to include them in S. 2148. We are particularly concerned with the future of the Klamath River, which this year was added to American Rivers' list of the ten most endangered rivers in America. Again, thank you, Mr. Chairman and I will be pleased to answer any questions you may have.

Senator HATFIELD. Mr. Coyle, do you recall how many rivers there were in the original bill? The scenic and wild river bill?

Mr. COYLE. There were eight rivers designated and 27 that were identified.

Senator HATFIELD. In the original?

Mr. COYLE. In the original bill.

Senator HATFIELD. Can you give me a thought as to why there have been so few added since the original bill? Because that goes back, as you say, quite a few years. I know that we included the Rogue in Oregon and we have added the Owyhee and the Illinois, and we included another, the Snake River.

We had two that I put in the original bill, and then I have added these other two. Is our state different than others? Why have we had so few added? I do not know why I have not been about the business before now.

Mr. COYLE. There are a number of explanations. When the original research was done by the Park Service, the National Park Service, for the Wild and Scenic Rivers bill, before it was originally passed in 1968, there was a list of 650 rivers put together.

Indeed, if you look at the Congressional Record, you will see that there was an anticipation that the eight rivers designated and the 20 identified for study would sort of lead the way for a lot of activity.

There is some theory that the Wild and Scenic Rivers program has been largely displaced in the conservation agenda by the wilderness movement, the wilderness issues, by some National Park designation, which is primarily wilderness.

And as the wilderness issues get settled in various states and I think Oregon may indeed be a case in point, that the next thing on the agenda could very well be wild and scenic rivers.

Of course, there is concern for old growth in the State of Oregon as well, and a variety of other issues, but at least that is part of the reason.

American Rivers, as an organization, was formed in 1973, five years after the Act, because really only three rivers had been added in that five year period after the initial eight. We identified a number of problems having to do with study process and so forth, and I think that there is just building momentum on this whole point.

In the last ten years two thirds of the rivers that are in the system have been added, so there has been some momentum.

Senator HATFIELD. This is an anniversary year, so maybe it will trigger the whole action. I hope our bill does have that effect. I have talked to some colleagues who, upon hearing about the bill, indicated an interest, perhaps to come along with something from their state.

Initially, when we proposed the bill, I made a general invitation to colleagues who wanted to piggy-back on this bill with some of their own rivers. But I have not had any response.

Mr. COYLE. Each state is different and each state will package their programs differently. But as I say, the public lands planning process is issuing up these credible lists of rivers, and the conservation community and others, the timber industry and so forth, are finding this understandable and, as you know, wild and scenic river designation has a good deal more flexibility than a wilderness designation for resource industry and so forth.

So we are hopeful that various packages will be put together.

Senator **Hatfield**. Thank you. Mr. Blomquist?

## STATEMENT OF JIM BLOMQUIST, WASHINGTON REPRESENTATIVE, SIERRA CLUB

Mr. **Blomquist**. Mr. Chairman, I am Jim Blomquist. I am the Washington Representative of the Sierra Club. Prior to this position, which I have only had for the last year, I was the Sierra Club's Northwest Representative for eight years.

I found myself a little bit apprehensive about coming over here to testify today because of the fact that it is a hot sunny day in Washington, D.C., and I at least used a lot of mental discipline to keep coming to work each day on a day like this. I was a little nervous that letting my thoughts turn to the cold, clean water of Oregon would destroy my ability to do that for a while. But here I am.

Senator **Hatfield**. People ask me, am I going to New Orleans in a couple of weeks. And I say, when I have a choice to go to Oregon or New Orleans in August, you can ask me that question?

Mr. **Blomquist**. The Pacific Northwest is a region defined and nurtured by its rivers. Its economy has long been driven by the resources that the rivers provide: fisheries, transportation, hydroelectricity and irrigated agriculture.

The story of the conflict between the Columbia River's anadromous fisheries and the development of its immense hydroelectric resources would be a lesson in natural resource conservation for untold generations in the future.

The previous generations who made choices about the conflicting uses of the region's rivers left us with a relative abundance of relatively low cost power, a commodity his generation has had the foresight to begin to conserve.

But as Stuart Udall observed, "It measures the progress of any generation in terms of the heritage it bequeaths to its successors." What legacy will this generation of leaders pass along to its successors? While we have not fully developed the hydroelectric resources in the region, we seem to have developed it fully enough to understand that our thoughts should now turn to the other aspect of the conservation equation, preservation.

Thus, the Sierra Club was greatly heartened by the efforts of the Pacific Northwest Regional Power Council in proposing its long awaited "protected areas" program. Moreover, Senator Hatfield, we are delighted by the legislation being considered here this afternoon, to preserve many miles of Oregon's river heritage.

These two efforts recognize that the hydro-developments of the past compel, in this era, preservation of free flowing rivers so that our region can gain the benefits of both power and preservation.

We believe that S. 2148, which would designate many rivers as wild and scenic, is a fitting complement to the effort that you, Senator Hatfield, and the others in the delegation have made to set aside national forest wilderness areas and preserve the scenic and natural beauties of the Columbia River Gorge.

We are pleased that your leadership now has produced this landmark proposal. We, of course, fully support the Omnibus Oregon Wild and Scenic Rivers Act of 1988, and we sincerely hope that it will be enacted into law this fall.

We are particularly pleased to see that no part of the legislation makes exemptions from or modifications to the Wild and Scenic Rivers Act. The management situations that arise on individual rivers are best dealt with by careful boundary and classification decisions and sensitive management plans, once the river segment is designated.

As we consider the long list of rivers that will be protected by this legislation, we are drawn to an equally long list of rivers that deserve protection but are omitted from this bill.

We hope that this monumental effort will lead to another similar bill in the near future that will allow us to consider the issue of balancing use against preservation on the other rivers that time and knowledge will not permit us to address this Congress.

However, we do urge you to consider the addition of several rivers to the bill. Foremost, we believe that the stretch of the Klamath River from John Boyle Dam to Copco Reservoir should be designated as a recreational segment under the Wild and Scenic Rivers Act.

This would, of course, preclude the construction of the Salt Caves Dam by the City of Klamath Falls. Prohibiting the construction of the several hundred million dollar project by an act of Congress is not a step that anyone can take lightly.

But we believe that a most compelling case can be made against trading off the recreation and ecological values of the free flowing river, just as this delegation made against the High Mountain Sheep Dam in Hells Canyon in 1975.

Additionally, we urge you to consider designation of portions of the Sandy, Imnaha, John Day, Wallowa, Umpqua and Elk rivers and Steamboat Creek. Each of these rivers deserve the protection that only wild and scenic river designation can provide.

We look forward to working with the members of this Subcommittee in the coming weeks to fashion a bill. Again, Senator Hatfield, thank you for your strong leadership in this issue.

Senator HATFIELD. Thank you. Hasn't the state issued a permit on that project for the Klamath in the last couple of weeks?

Mr. BLOMQUIST. That is what I understand.

Senator HATFIELD. Mr. Evans, are you the wrap up man?

Mr. EVANS. Yes, I am.

## STATEMENT OF BROCK EVANS, VICE PRESIDENT FOR NATIONAL ISSUES, NATIONAL AUDUBON SOCIETY

Mr. EVANS. I have a brief statement and I would like to summarize it.

I am Brock Evans, Vice President for National Issues for the National Audubon Society. As you know, it is a large organization with 500,000 members and about eight chapters in the State of Oregon.

S. 2148 is certainly the most extensive river protection proposal in the lower 48 states, at least, since the Wild and Scenic Rivers

Act of 1968. We are here to support the legislation and thank not only the Oregon delegation but also the Forest Service and the Bureau of Land Management for studying such a large number of rivers under their respective land and resource planning programs.

Without the agencies' efforts and favorable recommendations we would not be here today to discuss such a wild and scenic rivers bill of such large proportions. We do have a reservation with the legislation in that there are several rivers in Oregon threatened by proposed water resource development projects which have also extremely high natural river values, which we would urge be considered to be protected through your effort.

My colleagues have already mentioned them. Some rivers that come to mind, in addition to the Klamath, are the Imnaha, the Nestucca and tributaries to the Santiam, where I just was, Mr. Chairman, a few weeks ago.

As you know, when Congress passed the Wild and Scenic Rivers Act in 1968, its stated policy was to protect selected rivers that are free flowing and contain outstanding values. This was to counterbalance the decade long effort to develop water resources for navigation, electricity, water supply and to control flooding.

As you know, now there are about 70,000 large dams in the nation today, impounding an estimated 70 percent of the river miles of our country. This contrasts sharply with the two tenths of one percent of the nation's river miles that are permanently protected through wild and scenic river designation.

In our view, as we said, there are certain other rivers in Oregon that certainly meet the same test as applied in your bill, and we would urge you to consider them again, and to make use of the momentum that has been built through this bill to do so.

Rivers are certainly critically important corridors for fish and wildlife, and the scenic and natural values are an important part of our national heritage. We stand a chance here to realize a truly outstanding conservation achievement and to give rivers the recognition and protection they deserve.

We look forward to working with you to accomplish this goal and thank you.

[The prepared statement of Mr. Evans follows:]

National Audubon Society

NATIONAL CAPITAL OFFICE 801 PENNSYLVANIA AVENUE, S.E. WASHINGTON, D.C. 20003 (202) 547-9009

# STATEMENT OF BROCK EVANS

VICE PRESIDENT FOR NATIONAL ISSUES

BEFORE THE SENATE SUBCOMMITTEE FOR PUBLIC LANDS, NATIONAL PARKS AND FORESTS

REGARDING S. 2148 A BILL TO AMEND THE WILD AND SCENIC RIVERS ACT

WASHINGTON, D.C., JULY 26, 1988

Recycled Paper

Mr. Chairman, thank you for the opportunity to appear here today and to present the views of the National Audubon Society on this legislation, which affects the entire future of the National Wild and Scenic Rivers System. My name is Brock Evans, and I am Vice President for National Issues for the Society representing more than 550,000 members nationwide.

S. 2148 would designate forty rivers as components of the Wild and Scenic Rivers System. With the exception of the twenty-six rivers added to the system under the Alaska Lands Act, there has never been such a sweeping river protection proposal. There certainly has never been legislation of this scale in the lower forty-eight states. Even when the Wild and Scenic Rivers Act was passed 20 years ago, only eight rivers were added to the system. Indeed, this bill has the potential to change the nation's thinking about what is possible for river protection in America.

I have a love and intimate knowledge of the Northwestern region of the country, and am glad to see that Oregon is once again leading the way on this important resource conservation issue.

We support this legislation and commend not only the Oregon delegation but also the Forest Service and the Bureau of Land Management for studying such a large number of rivers under their respective land and resource planning programs. Without the agencies' effort we would not be here today to discuss a Wild and Scenic Rivers bill of such large proportions.

Our reservations with this legislation concern the fact there are several rivers in Oregon, threatened by proposed water resource development projects, that should be protected through this effort. When Congress passed the Wild and Scenic Rivers Act in 1968, its stated policy was to protect selected rivers that are free-flowing and contain outstanding values. This was to counterbalance our needs to develop water resources for navigation, electricity, water supply and to control flooding. There are nearly 70,000 large dams in the nation today impounding an estimated 17 percent of its river miles. This contrasts sharply with the .2 percent of the nation's river miles that are permanently protected through Wild and Scenic River designation. In our view, there are certain rivers in Oregon that meet the test for eligibility for Wild and Scenic designation that would make worthy additions to this bill. The Klamath River is one notable example, and there are several others in the state.

We urge you to evaluate the need to protect these additional rivers in Oregon and to make use of the momentum that has built up through this bill to do so. Rivers are critically important corridors for fish and wildlife, and their scenic and natural values are an important part of our national heritage. We have a chance here to realize one of the most outstanding conservation achievements in our history, and to give rivers the recognition and protection they deserve. We look forward to working with you to accomplish this goal. Thank you.

Senator **Hatfield**. Thank you. I appreciate very much the testimony from each one of you. The organizations that you represent have been very supportive of this bill, and we appreciate that very much as well. Your full statements will be placed in the record. Thank you very much.

The second panel, Mr. Floyd Stout, and Mr. Kent Robinson. Floyd Stout from the Alsea Alliance in Alsea, Oregon, and Mr. Kent Robinson, the Policy and Programs Analyst for the National Forest Products Association.

## STATEMENT OF DR. FLOYD M. STOUT, CHAIRMAN, ALSEA VALLEY ALLIANCE, ALSEA, OR

Dr. **Stout**. I am Dr. Floyd Stout, farmer, resident of the Alsea Valley for 20 years and Chairman of the Alsea Valley Alliance. I represent and speak for the people who own land and inhabit the Alsea River Valley. They are virtually solidly opposed to the inclusion of the Alsea River in the Omnibus Wild and Scenic Rivers bill.

Of the estimated population of 2,500 to 3,000 persons, probably 90 to 95 percent live within a half mile corridor following the river and most of these people are destined to be affected by this legislation. As evidence of our opposition, I herewith submit to you a petition with signatures of 5,299 persons.

Also in opposition are the Benton County Commission, the Lincoln County Commission, the Port of Alsea, Waldport Town Council, State Senator John Brenneman and State Representative Don Butsch.

Seventy-six percent of the lands adjacent to the Alsea are privately owned. The river below the fish hatchery on the North Fork and below Tobe Creek on the South Fork to the mouth the Alsea at the bay, comprising 52 and one half river miles, is 90 percent in private ownership. In other words, it is a privately owned river and is not virtually uninhabited as has been suggested by some.

By definition, a so-called "Recreational River" may have some development along its shorelines. The Alsea River, which has been populated on privately owned lands since it was homesteaded in the 1850s has considerable development along its shores and within the one half mile corridor of the river.

This development includes the town of Alsea, the communities of Tidewater, Little Switzerland, Little Albany, Alsea Riviera, Troller's Cove, Cecil Lane, Barclay's Meadow and Westwood Village, in addition to hundreds of homes outside these small developed communities.

Also there are at least 15 private, county, Forest Service and BLM parks, 15 boat ramps, two state fish hatcheries and hundreds of acres of highly developed farms plus several commercial resort operations. If this amount of development does not exceed the some development category, then no river in Oregon is immune to this bill.

We deplore the condemnation clauses in the enabling legislation, including the condemnation of up to 100 acres of private property per river mile, the condemnation of access easements on private property, the condemnation of access easements to and along the river and the condemnation of water rights.

We have talked with persons on the Clearwater in Idaho and the Rogue in Oregon, both declared as Wild and Scenic Rivers, and generally they are most dissatisfied and feel they were coerced into signing easement contracts but do not wish to go on record for fear of reprisals by the governing agencies.

Our legislators have continually pointed out that their primary purpose for promoting this legislation is to prevent dams on these rivers and keep them free-flowing. We agree that we neither want nor need dams on the Alsea and would be agreeable to legislation so stating, but please do not include us in the Wild and Scenic Rivers Act.

We have no desire to live under the provisions of the Act, nor to cooperate with the agencies of the federal government in setting up management plans on our own properties. We consider it an erosion of our personal freedom and basic rights of private property ownership which were some of the reasons for founding this country in the first place.

The Alsea River originates in the Coast Range and, including the North and South Forks, flows approximately 75 miles to Alsea Bay and thence to the Pacific. It flows unrestricted through the generally narrow valley comprised of extremely fertile river bottom soils that support both commercial and small farms geared mainly to livestock, hay and small grain production, and through some of the most productive forest lands on this earth.

Historically we have maintained a good balance of using these resources while allowing recreational uses and at the same time retaining the scenic qualities of the river. The people of the Alsea Valley have done not only a good but an excellent job of managing the river as any one who is familiar with it can verify.

For instance, two local timber companies donated land and built parks for public enjoyment in 1964, four years prior to enactment of the Wild and Scenic Rivers Act. And last year, a local private group called the Alsea Fish Enhancement Association released almost a million salmon and steelhead fry into the river.

The Alsea is a world-class steelhead stream and on a good day in the winter fishermen are present in abundance. I believe that we have already accomplished the goals that the Wild and Scenic Rivers Act sets out to do.

At a time when the United States needs and is trying to be fiscally responsible, it is unnecessary to spend large amounts of money, estimated at $8.5 million on the Alsea alone, because the river is already well protected at little cost to the Federal Government.

The State of Oregon has some of the strictest land use laws in the nation, and under current county and state zoning regulations there is no way that further significant development of this area could occur. Further, the Oregon Forest Practices Act is designed to protect rivers and their immediate environment by prohibiting logging activity in proximity to a river.

To date, no one has asked how we, the people who own the land and make our homes along the river, feel about the Government taking over the management of the river for us.

As an example of how our people are agonizing over this possibility, a letter written by a Valley resident to his senator states, "I spent 22 years in the Navy and through three wars, and I feel in more danger of losing my home than I did in six major battles and many conflicts at sea."

In conclusion, please realize that to the special interest groups who are pushing for this legislation, the Alsea is just another pretty river, and a good place to fish, one of the forty. But to us it is our home. The present condition of the river shows that we can and will take care of it, so we appeal to you, please take the Alsea River out of Senate Bill 2148.

Senator HATFIELD. Thank you, Dr. Stout. Dr. Stout, in your testimony you indicate that the present state and county zoning, and the land use ordinances are already so comprehensive that, "further significant development of this area could not occur."

Dr. STOUT. That is true. And Alsea DC is in the process of tightening up this to the point where there shall be no, at least they are trying to do this, there shall be no further homes built in forest conservation zones and very limited development to occur in exclusive farming zones, which is what the Alsea Valley is zoned.

Senator HATFIELD. Well, Dr. Stout, then could you tell me what additional burden this bill would place on your shoulders?

Dr. STOUT. The thing that we really object to are these condemnation clauses, and I heard Mr. Leonard say that they did not invoke these often, but as we understand it they will come up the Valley and make a scenic easement management plan with each individual owner.

And we just absolutely do not care to enter into an agreement having to co-manage our land. And if you have read one of these easements, they are nothing that I want to get into with anyone.

If this were an optional thing, but the thing that I would liked to have asked him was whether we had to sign an easement. And I am sure that if we refuse to sign an easement then he would condemn an easement from us. But no one in that Valley wants to sign an easement, a scenic easement.

Senator HATFIELD. Of course you know the government can condemn without this bill.

Dr. STOUT. I know. But they cannot wholesale condemn a whole valley.

Senator HATFIELD. There is no wholesale condemnation possible here either.

Dr. STOUT. There could be because I do not think there is anyone in the valley who was willing to sign one of these things.

Senator HATFIELD. Well, if you heard the Forest Service, Dr. Stout, they said that if there is a major change in the use of this land, and you say there is already prohibition on that——

Dr. STOUT. Yes.

Senator HATFIELD. That is the only thing that would trigger condemnation. If they could not get an easement by a willing seller and so forth, then as a last resort to get public access condemnation might be used.

But access does not include the whole valley. I mean, you say they could condemn the whole valley.

Dr. STOUT. Access is there. I mean, as I say, there is no restriction of access. We have adequate boat ramps. The fishermen are there in abundance. There are more fishermen than we can actually use. But we have not run them off.

Senator HATFIELD. You really think that this is the way your government operates?

Dr. STOUT. I have read the bill. The people have read the bill. We have talked with the people in the Clearwater. We have talked with the people on the Rogue.

Senator HATFIELD. But what does this bill add to your burden, that you do not have already—according to your testimony, the restrictions now on the further significant development of this area cannot occur now. So what does this bill——

Dr. STOUT. That is right. We just do not need another layer of government. We do not need to spend the funds. The funds come from us, the people.

We are doing this for free now. I go down there routinely and pick up the trash on my two miles of riverfront, and it is not costing the Federal government one penny. And it will.

The BLM has a preliminary study out that says they expect to spend $8.5 million in easements and in management of the upper, that is just the upper Alsea.

Senator HATFIELD. Dr. Stout, on page two of your testimony you say, to date, no one has asked how we the people who own the land and make our homes along the river feel about the government taking over the management of the river for us.

I have held three public hearings in which the Alsea people have been represented. We have held two public hearings in the Alsea area, one in Corvallis and one in Waldport.

You are here today. This is the fourth. I will probably hold another one in Baker, Oregon this August, which you would be welcome to attend as well. I am a little troubled as to why you say that no one has asked how the people feel.

Dr. STOUT. I appreciate the opportunity to speak at these hearings, and I have represented the people.

But they feel that this whole thing came upon them and no one came to them in advance to tell them that you had this in mind for them. I mean, they would have certainly have appreciated being given some previous notice of these intents.

Senator HATFIELD. The previous notice, Dr. Stout, was a draft of a bill that has not taken final form yet, so that we had something to notify the people with to which the people could respond. That is the whole purpose of public hearings. You have to start with some kind of a proposal or an idea or a draft of a bill.

You know, there are not that many public hearings in Oregon, and I have prided myself in getting the people's input on many pieces of legislation. I have held more public hearings than probably any other Member in the history of the state representation in Congress.

I just felt that when we appeared with all the agencies involved and my staff and Congressman AuCoin's staff and Senator Packwood's staff, Congressman DeFazio's staff, and Congressman Smith I believe was represented as well, held public meetings in Waldport, in Corvallis, a public hearing in Oregon City, one in Grants Pass, and one here and one proposed in Baker, that the very purpose is to hear from people like yourself. And you are certainly welcome to appear in any one and all of these. But I think we have asked the people.

Mr. Robinson, do you wish to offer your testimony?

## STATEMENT OF KENT ROBINSON, NATIONAL FOREST PRODUCTS ASSOCIATION

Mr. **Robinson**. Yes, thank you. Thank you, Mr. Chairman. My name is Kent Robinson. I am program and policy analyst for the National Forest Products Association here in Washington.

NFPA is a national industry trade association which represents the interests and views of owners and managers of forest land and manufacturers of forest products.

I am also offering my statement today on behalf of our affiliated associations in Oregon, the Northwest Forestry Association, the Northwest Timber Association, Oregon Forest Industries Council, and the Associated Oregon Loggers.

Many of our members, and particularly those in Oregon, are dependent upon national forest lands for their source of raw material supply. Thus we have an interest in any proposal which might affect the management of Federal timberland.

Moreover, several of our members own and manage private forest lands in Oregon. Consequently, we are also concerned about any legislative proposals which could affect private landowners' ability to manage their land.

NFPA supports the principle of Federal oversight and protection of America's unique riverways. We understand the value of preserving the ecological, biological and recreational qualities of these rivers for future generations. We commend the Oregon delegation's efforts toward achieving these goals.

The proposed legislation would expand Oregon's wild and scenic river system from 317 miles to nearly 2,000 miles, increasing the amount of land that is directly affected by wild and scenic classifications from 100,000 acres to over 600,000 acres.

NFPA does not oppose this expansion. We must, however, express some concern over the fact that there appears to be a lack of sufficient data with regard to the amount of land and timber that would be withdrawn from timber production as a result of the legislation.

Data previously supplied by the U.S. Forest Service indicated that approximately 3.7 million board feet of Federal timber would be directly affected by the proposed legislation.

More recent information indicates that the impact on Forest Service lands will probably reach as much as 35 million board feet of volume. And we think that this impact may go even higher to between 50 or 60 million board feet.

On Forest Service lands, the impact of the wild and scenic river corridors on timber supplies can be minimized through the NFMA forest planning process.

We urge the subcommittee to include language in S. 2148 to direct the Forest Service to evaluate means of offsetting the reduction in the allowable sales quantities during the development of the final forest plans.

For example, the agency could review whether the areas set aside by the bill address the resource values protected by other set-asides in the draft plans. Visual management area designations suggest one such opportunity. Obviously, such an evaluation could be done as an amendment to the final forest plans.

Moreover, 20 of the considered rivers or portions thereof fall under BLM jurisdiction. The BLM is currently starting to prepare draft management plans, which will include analysis of wild and scenic river candidates.

This process is just at the very beginning stages of the analysis and the impacts of the proposed bill on BLM timber supplies are also unknown at this time. Language directing the BLM to evaluate methods for offsetting reductions in timber supply could also be developed and applied to the BLM planning process.

We would be very happy to work with the subcommittee to develop bill language to accomplish this purpose. There is some precedent for such an offset approach, and it is contained in the Columbia Gorge Scenic Area Act of 1986.

In that legislation the Forest Service was specifically directed to utilize any lands acquired by exchange in the calculation of the allowable sale quantity for the Gifford Pinchot National Forest.

We are also concerned about lands which are indirectly affected by wild and scenic river designations, those lands outside of the statutory one-quarter mile corridor. Evidence from previous river designations indicates that activities adjacent to these river corridors tends to be severely restricted.

The restrictions have been placed on activities in both public and private land. For example, current Army Corps of Engineers regulations under the Clean Water Act require Federal permits for forest road bridges across streams tributary to wild and scenic river segments.

To mitigate any potential management restrictions outside the one-quarter mile corridor, S. 2148 should include statutory language to specifically authorize management activities on these outside corridor lands, particularly on Federal lands.

The current rash of appeals over Forest Service management activities suggest such an action would be necessary.

We would be happy to work with the subcommittee to develop language to address these concerns, both within and outside of the river corridors. Our affiliated Oregon members are addressing these issues and developing language on a river segment by segment basis.

For any private lands acquired by the government within the designated river corridors, we would hope that the bill would direct the government to acquire these lands on a willing buyer, willing seller basis. The use of condemnation authority should be minimized.

Further, any land acquisitions associated with establishment of wild and scenic river corridors should be promptly concluded.

We look forward to working with the subcommittee to address the concerns raised above, and to finalize protection for Oregon's unique rivers.

This concludes my prepared remarks, and I would be very happy to answer any questions you might have.

[The prepared statement of Mr. Robinson follows:]

STATEMENT OF

KENT ROBINSON

NATIONAL FOREST PRODUCTS ASSOCIATION

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL

PARKS AND FORESTS

OF THE

SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

ON S 2148

JULY 26, 1988

Good morning. I would like to thank you, Mr. Chairman, and the members of the Subcommittee for permitting me to testify today. My name is Kent Robinson. I am Program and Policy Analyst for the National Forest Products Association (NFPA).

NFPA is a national, industry trade association which represents the interests and views of owners and managers of forest lands, manufacturers of forest products, and affiliated regional and product associations. Our membership includes over 800 direct and associated company members, and over 70 association and allied members. I am also offering my statement today on behalf of our affiliated associations in Oregon: (1) the Northwest Forestry Association; (2) the North West Timber Association; (3) the Oregon Forest Industries Council; and (4) the Associated Oregon Loggers.

Many of our members, and particularly those in Oregon, are dependent upon national forest lands for their source of raw material supply. Thus, we have an interest in any proposal which might affect the management of federal timberland. Moreover, several of our members own and manage private forest lands in Oregon. Consequently, we are also concerned about any legislative proposals which could affect private landowners' ability to manage their lands

NFPA supports the principle of federal oversight and protection of America's unique riverways. This principle was first defined by the Wild and Scenic Rivers Act of 1968, and is furthered by proposed S 2148 -- The Omnibus Oregon Wild and Scenic Rivers Act of 1988 -- being considered today.

NFPA fully supports the designation of truly unique rivers as wild, scenic, or recreational for we understand the value of preserving the ecological, biological, and recreational qualities of these rivers for future generations. We commend the Oregon delegation's efforts toward achieving these goals.

The proposed legislation would expand Oregon's Wild & Scenic River system from 317 miles to nearly 2,000 miles, increasing the amount of land that is directly affected by wild and scenic classifications from 100,000 acres to over 600,000 acres. NFPA does not oppose this expansion.

We must, however, express some concern over the fact that there appears to be a lack of sufficient data with regard to the amount of land and timber that would be withdrawn from timber production as a result of the legislation. Data previously supplied to the members of the Oregon delegation by the U.S. Forest Service indicated that approximately 3.7 million board feet (MMBF) of federal timber found within the statutory 1/4 mile corridor would be affected by the proposed legislation. More recent information indicates that the impact on Forest Service lands will probably reach as much as 35 MMBF of volume. We think that this impact may go even higher to 50-60 MMBF.

It is also useful to note that the original 3.7 MMBF figure was taken from the preferred alternatives of the draft forest plans developed under the provisions of the National Forest Management Act of 1976. Because the preferred alternatives propose a significant reduction from the potential yield in the current forest plans, the Forest Service's data set an artificially low base from which the 3.7 MMBF impact estimate was developed. Thus, the actual impact will be greater than even this conservative estimate.

The principal reason for this confusion is that the last of Oregon's national forests have just completed the public comment periods on their draft forest plans. The first published final forest plans are not expected until this Winter. As part of the forest plan analysis, each forest has evaluated possible designation for all candidate wild and scenic rivers located within their boundaries. The analyses used an integrated approach including other resource activities and demands. Of the 40 rivers that S 2148 would include in the wild and scenic river system, 31 fall within national forest boundaries. Based on draft preferred alternatives, only 11 rivers or portions of them were recommended for designation under the Wild and Scenic Rivers Act.

However, the Forest Service's plans are still in draft form and, in many cases, must still be supplemented before they become final. Thus, we urge the Subcommittee to include language in S 2148 to direct the Forest Service to evaluate means of offsetting this reduction in the allowable sales quantity in the development of the final forest plans. For example, the Agency could review whether the areas set aside by the bill address the resource values protected by other set-asides in the draft plans. Visual management area designations suggest one such opportunity. Obviously, such an evaluation could be done as an amendment to the final plans as well.

Moreover, twenty rivers, or portions thereof, fall under Bureau of Land Management jurisdiction. The BLM is currently starting to prepare draft management plans which will include analysis of wild and scenic river candidates. This process is just at the very beginning stages of analysis and the impacts of the proposed bill on BLM timber supplies are unknown at this time. Similarly, language directing the BLM to evaluate methods for offsetting reductions in timber supply could be developed to apply to the BLM planning process. We would be happy to work with the Subcommittee to develop bill language to accomplish this purpose.

There is some precedent for such an approach contained in the Columbia Gorge Scenic Area Act of 1986. In that legislation, the Forest Service was specifically directed to utilize any lands acquired by exchange in the calculation of the allowable sale quantity for the Gifford Pinchot National Forest.

We are also concerned about lands which are indirectly affected by wild and scenic river designations -- those lands outside of the statutory 1/4 mile corridor. Evidence from previous river designations indicates that activities adjacent to these river corridors tend to be severely restricted. In fact, management activities have been restricted within entire watersheds. These restrictions have been placed on activities on private lands as well as public lands as a result of wild and scenic river designations. For example, current Army Corps of Engineers regulations under the Clean Water Act require federal permits for forest road bridges across streams tributary to Wild and Scenic River segments.

To mitigate any potential management restrictions outside the 1/4 mile corridor, S 2148 should include statutory language to specifically authorize management activities on these "outside corridor" lands. Particularly on federal lands, the current rash of appeals over Forest Service Management activities suggests that such action would be necessary. Examples of rivers where such special consideration has taken place include: (1) the Saint Joe River in Idaho; (2) the Salmon River also in Idaho; and (3) the Tuolumne River in California. We would be happy to work with the Subcommittee to develop language to address these concerns both within and outside of the river corridors. Our affiliated Oregon members are addressing these issues, and developing language on a segment-by-segment basis.

For any private lands acquired by the government within the designated river corridors, we would hope that the bill would direct the government to acquire these lands on a "willing buyer-willing seller" basis. The use of condemnation authority should be minimized. This issue is of particular concern to our members with lands along the Alsea River. Further, any land acquisitions associated with establishment of wild and scenic river corridors should be promptly concluded.

We look forward to working with the Subcommittee to address the concerns raised above, and to finalize protection for Oregon's unique rivers. That concludes my prepared remarks. I would be pleased to answer any questions that the Subcommittee might have. Thank you.

Senator HATFIELD. Thank you very much, Mr. Robinson. As you heard today, Mr. Leonard testified that the allowable sale quantity in the National Forest Systems would be about four million board feet annually, which is less than an average timber sale or about one tenth of one percent.

Now, I note that you are using figures that possibly go to 35 million board feet or 40 to 50 million board feet. What basis do you have for that information? We are anxious to receive it if you have some kind of database that we can utilize.

Mr. ROBINSON. The 35 million came from an analyst of one of our Northwest affiliates, and I believe he obtained that number from the Forest Service.

I think one of the things that we are very concerned about are the lands outside of the quarter mile statutory corridor, that it would be very difficult for a district ranger to begin to place sales along that outside viewshed, as it were, and that control of those constraints on those outside lands would dampen the flow of timber from the national forest.

Senator HATFIELD. Could you get a copy of his assessment so that we can see with the Forest Service how they came to their 3.7 million board feet? And that way we can make a comparison and see who, if it is apples and oranges or if it is a challenge to the Forest Service.

Mr. ROBINSON. Certainly.

Senator HATFIELD. We would appreciate that very much. I want to thank all of you again.

The Chairman, Senator Bumpers of Arkansas, who very graciously provided the opportunity for this hearing today, came in and indicated his deep interest in this subject matter.

And with his conflict of schedule we sort of cooperate back and forth to help each other cover all bases here in the Senate. So I am very privileged to substitute for Chairman Bumpers today in this hearing.

I want to thank everyone for appearing and for the valuable testimony you have all offered. The hearing is adjourned.

[Whereupon, at 3:57 p.m., the hearing was adjourned.]

[COMMITTEE NOTE.—Due to the voluminous nature of materials submitted for the record all additional statements and letters have been retained in subcommittee files.]

# APPENDIX

## RESPONSES TO ADDITIONAL COMMITTEE QUESTIONS

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**United States Department of Agriculture** **Forest Service** **Washington Office**
**12th & Independence SW**
**P.O. Box 96090**
**Washington, DC 20090-6090**

**Reply to:** 1510

**Date:** AUG 17 1988

Honorable Dale Bumpers
Chairman, Subcommittee on Public Lands,
National Parks and Forests
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Enclosed is our response to the questions posed in the enclosure accompanying your July 24 letter. These questions all relate to S. 2148, the Omnibus Oregon Wild and Scenic Rivers Act of 1988.

If you need any further assistance, we are available.

Sincerely,

MARK A. REIMERS

F. DALE ROBERTSON
Chief

Enclosure

Caring for the Land and Serving People

FS-6200-28b(4/88)

August 10, 1988

# FOREST SERVICE RESPONSE TO QUESTIONS POSED BY SENATOR BUMPERS AS A RESULT OF A JULY 26 HEARING ON S. 2148, THE OMNIBUS OREGON WILD AND SCENIC RIVERS ACT OF 1988.

## 1. FOREST SERVICE POLICY AND PROCEDURES REGARDING WILD AND SCENIC RIVER RECOMMENDATIONS IN FOREST PLANS.

The direction for assessment of potential Wild and Scenic Rivers is contained in the Interagency Guidelines, the Forest Service Manual (FSM 1924), and Chapter 8 of the Forest Service Handbook (FSH 1909.12). This direction applies to all National Forests. Chapter 8 direction was issued by the Chief's Office in 1987, after some Forest Land and Resource Management Plans (Forest Plans) were completed and many others were drafted. Therefore, the handbook direction is not mandatory for the current set of Forest Plans. However, the Forests are being encouraged to follow it, since much of the Chapter 8 direction was issued and in effect prior to the Handbook being completed.

The assessment of potential wild and scenic rivers in the forest planning process consists of two steps. Initially, a river must be determined to be eligible; that is, free-flowing and possessing one or more outstandingly remarkable values. The second step is an analysis as to suitability for inclusion into the national system. Suitability analysis is discussed in response to question two.

The treatment of river eligibility and suitability in the current forest planning process has been evolutionary. In 1982, field units were directed to consider rivers listed in the Nationwide Rivers Inventory (NRI) and to determine and document eligibility. There was latitude given as to determination of suitability; however, the preferred option was to complete suitability in the current planning process. If suitability could not be completed, the river was to be protected until the second generation of Forest Plans or until a separate study is completed.

In addition to the NRI rivers as a minimum level, forests were encouraged to identify rivers through other river inventories, the public scoping process, and based on their own information. Forests were not consistent in their treatment of additional rivers for study and generally avoided adding rivers not on the NRI. However, the current interest in river management is encouraging Forest to be responsive to public comments and to identify rivers based on management information.

The Pacific Northwest Region provided direction in 1985 as to treatment of NRI rivers that were both on National Forest (NF) and other (private, other federal, state, county) lands:

> "1. For rivers largely on NF land (less than 20 percent outside NF), determine eligibility for the entire river and recommend designation/non-designation for the entire river.
>
> "2. For rivers with less than 20 percent NF System lands, determine eligibility if the NF portion is large enough to do so. If eligible, protect Wild and Scenic River option on NF lands. If not eligible, document determination and treat as any other river corridor. If the segment is too small to make an eligibility determination, protect the Wild and Scenic River option on NF lands.

> 3. Where ownership is in somewhat equal portions, make eligibility determination on the portion within the NF boundary. If the NF portion is eligible by itself, make appropriate recommendations for the NF portion. If it is not eligible within the NF but probably would be eligible when included with the portion outside the NF, protect the option on NF lands for possible future study of the entire river."

The Regional Forester is responsible for approval of the Forest Plans for each National Forest. The Forest Supervisor is responsible for determining the eligibility, classification, and suitability of each river, and including appropriate management prescriptions in the Forest Plan to meet the needs for protecting the river corridor values. The Secretary of Agriculture recommends Wild and Scenic River designations to the President who in turn makes recommendations to the Congress. The Pacific Northwest Region has communicated this information to the Oregon National Forest Supervisors in recent internal correspondence.

We expect that additional rivers will be studied for eligibility and recommended for inclusion in the National System in the Final Forest Plans since the published Draft Plans evoked responses and interest from a wider range of people and interest groups than was heard from during the scoping process and the preparation of the Draft Plans.

## 2. HOW IS SUITABILITY DETERMINED?

Before addressing the question of suitability, the decision must be made that a river segment is eligible for addition to the National System. To be eligible, a river segment must be free flowing and have at least one outstandingly remarkable.

The suitability of a river for inclusion in the National Wild and Scenic River System involves a considerable amount of subjective judgement on the part of the evaluators. Although guidelines are available, the decision to recommend or not recommend a river is influenced by the individual(s) making the decision and the unique characteristics and situation associated with a particular river.

Suitability basically addresses two questions:

(1) What is the highest or best use of the river corridor? Should the outstanding values be protected or are one or more other uses more important?

(2) Assuming the values should be protected, what is the best way to protect the river corridor? Wild and scenic designation is one method. In answering this question, the benefits and impacts of wild and scenic river designation must be evaluated and alternative protection methods must be considered.

The Forest Service Handbook (FSH 1909.12, Chapter 8) lists six factors which should be considered in determining suitability:

(1) The characteristics of the river and corridor.
(2) The status of land ownership and use.
(3) Potential future uses impacted by Wild and Scenic River designation and values effected if the river is not designated.
(4) Public, State, and local governmental interest in designation.
(5) The associated costs if the river is designated.

**(6) Other issues and concerns identified during the planning process.**

None of the above factors will assure suitability or nonsuitability. Each river is a unique situation, with its own combination of values, conditions, and effects, which must be thoroughly evaluated and discussed.

Controversial issues may influence the decision to recommend a river for Wild and Scenic River designation. However, there are usually two sides to any issue, so dropping a river from consideration usually does not resolve the issue. The needs and desires of the local private landowners and small communities may carry a considerable amount of weight and influence the decision.

## 3. HISTORY OF THE FOREST SERVICE'S USE OF CONDEMNATION ON WILD AND SCENIC RIVERS.

Data regarding this issue are currently being updated. At the present, the question can be answered for the three western states (California, Oregon, and Washington) where the Forest Service administers 16 Wild and Scenic Rivers:

a. Total acres condemned:

| | |
|---|---|
| Fee title: | 0 |
| Scenic easement: | 751 |

b. Last time condemnation was used for scenic easements:
The exact dates are not shown in our records, but most of the easements were purchased in the 1970's when some of the first rivers were designated.

Condemnation is considered a last resort for controlling activities or developments which would impact the outstanding values of the river corridor. It is also used to provide necessary public access to river corridors when necessary. It is an authority which is available, but seldom necessary to use. Most landowners are very conscientious about protecting river values.

## 4. HOW DOES THE FOREST SERVICE NEGOTIATE SCENIC EASEMENTS?

When the Forest Service began administering newly designated rivers in the early 1970's, it was felt that scenic easements were necessary to ensure appropriate management of private lands within the designated river corridors. Extensive efforts were undertaken to acquire these easements, and apparently some were condemned. Since that time, our policy has changed to one of assuring appropriate management through coordinating and communicating with private landowners. This policy has significantly reduced acquisition of scenic easements. This effort has been extremely effective, and now most easements are acquired only where necessary to provide public access.

## 5. HOW DOES THE FOREST SERVICE REGULATE PRIVATE LAND IN A RIVER CORRIDOR?

Private lands are not "regulated" in the traditional sense, in that regulations are not drafted and enforced. Generally speaking, the Forest Service monitors private land use. If a landowner contemplates or activates a change in use, the Forest Service determines the compatibility of such use with the Wild and Scenic Rivers Act and the effect of such use on the values for which the river segment was designated. If the determination is made that a use is not appropriate, the Forest Service would attempt to negotiate with the landowner to change or drop the proposal. If such negotiations are unsuccessful, condemnation of a scenic easement would be used as a last resort to ensure that the river values are not violated.

Public access needs are determined in the River Management Plan for each river. These plans are developed with full public involvement, and reflect the access needs for the period of time covered by the plan. Factors considered would include existing public access, cost of access, and the additional public benefits that would result from additional access.

## 6. OVERVIEW OF TIMBER MANAGEMENT ACTIVITIES WITHIN AND OUTSIDE RIVER CORRIDORS.

Timber harvest activities in a Wild and Scenic River corridor are dependent on the river segment classification:

(1) Wild -- No commercial timber harvest is allowed. Tree removal to clear trails or remove safety hazards is permissible.

(2) Scenic -- A wide range of silvicultural practices could be allowed provided that such practices are carried out in a manner that would cause no substantial adverse effect on the river and its immediate environment. The river area should be maintained in its near natural environment.

(3) Recreational -- Timber harvest would be allowed under standard restrictions to protect the immediate river environment, water quality, scenic, fish and wildlife, and other values.

Timber outside the river corridor but within the visual scene area should be managed and harvested in a manner which provides special emphasis on visual quality.

## 7. WHY WERE ELIGIBILITY STUDIES NOT DONE ON STEAMBOAT CREEK, MALHEUR RIVER, AND WALLOWA RIVER?

In 1984, Public Law 98-494 amended the Wild and Scenic Rivers Act by designating a segment of the Illinois River and Owyhee River in Oregon as components of the National System and the the North Umpqua River was added as a study river. In regard to Steamboat Creek, a tributary to the North Umpqua, the law states that "The Secretary of Agriculture shall, in the Umpqua National Forest Plan, provide that management practices for Steamboat Creek and its immediate environment conserve, protect, and enhance the anadromous fish habitat and population."

Because of this legislated mandate, the Umpqua National Forest did not conduct an eligibility study of Steamboat Creek. The direction was, however, incorporated in the Draft Environmental Impact Statement and Proposed Land and Resource Management plan by prescribing enhanced riparian management intensities, along with fish habitat improvements, in all alternatives.

The Malheur River was not listed in the Nationwide Rivers Inventory (NRI). During the initial identification of issues, concerns, and opportunities associated with the current planning process, there was no public support for assessment of rivers on the Malheur National Forest.

Ten miles of the Wallowa River, from the confluence of the Minam River downstream to the mouth, was included in the NRI. Neither this portion, nor any other portion of the mainstem of the Wallowa River flows through National Forest System lands.

8. DOES RIVER USE CHANGE AS A RESULT OF DESIGNATION?

Specific studies have not been designed and implemented to specifically address the question of whether use increases as a result of designation. There is, however, evidence that suggests that it does.

Nationally, total recreation use on the National Forests increased 10.6 percent from 1977 to 1986. For the same period, boating use on the National Forests increased 33.5 percent and wild and scenic river use increased 143.3 percent. These figures give an indication of the special places that wild and scenic rivers represent to National Forest users.

The available use statistics for the designated wild and scenic rivers in the State of Oregon provide some information as to use trends. The Rogue River is nationally known and, historically, well marketed for recreational fishing and boating. As a result, use steadily increased prior to, and following, designation. To maintain the primitive recreational opportunities associated with the wild segment, a permit system began in 1978. This system limits use to 120 persons per day throughout an extended season.

The increasing use of the Rogue River can be contrasted with use on the Illinois and Owyhee Rivers. In both these rivers, whitewater use is much more dependent on the river flow. The best period of whitewater use on the Illinois River occurs in late spring (April, May) which requires specialized equipment and technical skills. This limits growth of the sport and has resulted in fairly stable use of the Illinois River.

The Owyhee River Management Plan, prepared by the BLM, reveals increased boating use in the period 1973 to 1984. However, there have been tremendous yearly fluctuations in use as a result of variations in water levels. Since designation in 1984, the drought in the Great Basin has essentially reduced boating use to near zero. Recreational use on the Owyhee is dependent on water conditions much more than on the notoriety surrounding national designation.

From these data we conclude that designation does effect use; however, it is not clear how much of the increase can be directly attributed to designation. As more rivers are designated, we believe the effect of designation on recreation use will be reduced.

9. FOREST SERVICE EXPERIENCE DEALING WITH INDIAN LANDS ON DESIGNATED RIVERS.

The Forest Service does not administer any wild and scenic rivers which involve Indian lands. Three wild and scenic rivers in California, the Eel, Klamath, and Trinity, involve Indian lands and National Forest System lands, but are administered by the State of California.

10. HOW DOES THE FOREST SERVICE MANAGE DESIGNATED RIVERS IN REGARD TO WATER RIGHTS AND WATER APPROPRIATION?

Any taking of a water right vested under either State or Federal law at the time the river is designated would require compensation. Existing water rights are "grandfathered in." Water may be reserved to the extent necessary for protection of the values for which the river was designated. Any additional water is available for other uses, either above, within, or below the designated river segment.

Water impoundments may be allowed above or below a designated river segment so long as there is carried out no negative impact of that segment.

## 11. HOW DOES THE FOREST SERVICE MANAGE LANDS ADJACENT TO THE RIVER CORRIDORS?

Management of National Forest System lands adjacent to a designated river corridor will be as prescribed in the Forest Plan and the specific River Management Plan. Management prescriptions would be designed to address the issues and opportunities specific to each individual situation. There are few constraints imposed on these lands as a result of designation. For segments designated as wild or scenic, timber will be managed and harvested on these lands with special emphasis on visual quality. Road construction would also take place with emphasis on visual quality. Typically, these constraints are already in the Forest Plans, regardless of designation, because of the special values that rivers eligible and suitable for designation possess.

United States Department of the Interior

TAKE PRIDE IN AMERICA

BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

IN REPLY REFER TO:

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Honorable Dale Bumpers
Chairman, Subcommittee on Public Lands,
National Parks and Forests
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This is in response to your July 24, 1988 letter, in which you asked several questions to be answered in writing for inclusion in the Hearing Record of the July 26, 1988 hearing on S. 2148.

We are pleased to enclose responses to the questions.

Your continued interest in the programs of the Bureau of Land Management is appreciated.

Sincerely,

Roland Robison

Deputy Director

Enclosure

1. Q. Could you provide me an overview of the BLM's internal policies and procedures for making Wild and Scenic River recommendations in the upcoming 1990 land management plans?

A. Although river studies are relatively new to the BLM, we have been following the same general procedures as other Federal agencies charged with river management responsibilities under the Wild and Scenic Rivers Act of 1968. Further, we ensure the public is fully involved in our process.

1(a). Q. Do you have specific guidelines which each district must follow in making its assessments? If so, are all districts required to follow these guidelines?

A. Guidelines are being developed by BLM, within our resource management planning process, which provide specific procedural guidance relating to the evaluation of potentially eligible river segments. These directives will supplement the interagency USDI-USDA guidelines and will lay out in detail, for our field offices, study requirements under section 5 of the Wild and Scenic Rivers Act. All BLM districts will be required to follow these guidelines.

1(b). Q. Within each region, who is responsible for making the final decisions on the eligibility and suitability of Wild and Scenic Rivers - the State Director or the District Managers? Has this process been adequately communicated to all the District Managers?

A. In keeping with BLM policy to decentralize decision-making to the lowest possible level, and to be as responsive to the local public as possible, the Area Managers will make the initial decision on eligibility, and recommendations on suitability or nonsuitability for various river segments. As envisioned, nonsuitable recommendations may be released once the State Director signs the record of decision document for the resource management plan associated with the river study. The Secretary of the Interior will sign the record of decision document for rivers recommended as suitable for designation into the National System. Details about this process will be transmitted to all field offices, including District Managers. Specific training will be provided for them and their staffs.

2. Q. Could you provide me with an understanding of how "suitability" for Wild and Scenic designation on BLM lands will be determined?

A. Apart from legislatively mandated studies under Section 5(a) of the Wild and Scenic Act, BLM river segments, determined eligible for further study, will undergo a determination of suitability within BLM's resource management planning process. This process is accompanied by an environmental assessment, and normally an EIS. The EIS will analyze the river values, public concern and support, findings of eligibility and classification, various alternatives, and appropriate mitigation measures. Some factors which are considered in the suitability determination include, but are not limited to:

1) characteristics which do or do not make the area a worthy addition to the National Wild and Scenic Rivers System.

2) Current status of landownership, including the amount of private land involved, and associated or conflicting uses.

3) Reasonably foreseeable potential uses of the land and related waters which would be enhanced, foreclosed, or curtailed if the area were included in the National Wild and Scenic Rivers System, and the values which could be foreclosed or diminished if the area is not protected as part of the system.

4) Public, State, local, or Federal interest in designation of the river, including the extent to which the administration of the river, including the costs thereof, may be shared by State, local, or other agencies and individuals.

5) Estimated cost of acquiring necessary lands and interests in lands and costs of administering the area if it is added to the system.

6) Ability of the agency to manage the river area or segment as a wild and scenic river.

7) Historical and/or existing rights which would be adversely affected and foreclosed, extinguished, curtailed, or infringed, so as to constitute a taking and entitle the owner to just compensation if the area were included in the National Wild and Scenic Rivers System. In the suitability analysis, adequate consideration will be given to rights held by owners, applicants, lessees, or claimants.

2(a). Q. Are there specific factors that immediately eliminate rivers from consideration as "suitable"?

A. The only factor which would immediately eliminate a river segment from further consideration under a study for suitability would be if the particular segment did not meet the basic test of eligibility. Specifically, if it is not free-flowing or does not possess one or more outstandingly remarkable values as defined in the Wild and Scenic Rivers Act of 1968.

2(b). Q. If there is even a hint of controversy over a particular segment - say from timber harvesting or private land - will a river be deleted from consideration?

A. Controversy does exist in river studies. The mere presence of controversy will not preclude a river segment from being studied. The final recommendation as to whether a particular segment should or should not be recommended suitable for designation is arrived at only after a complete analysis, full public review, consideration of objections to the designation, and environmental assessment.

3. Q. Could you please provide the Subcommittee on the BLM's operating history with respect to the use of the condemnation of private land in the Wild and Scenic Rivers System? Is condemnation a standard method of operation within the System? If the purpose of Wild and Scenic designation is to maintain the status quo, why would any condemnation be necessary?

A. Condemnation is the last option used in protecting the values for which the river was designated. Owners are first contacted to see if an exchange or purchase can be negotiated. Condemnation is rarely necessary and used only where some proposed or actual use threatens or impairs the integrity of the river or associated corridor. Such a proposed use could trigger a need to pursue a scenic easement or purchase of adjoining lands to protect the values which led to designation. Section 6(b) of the Act limits the government's option for using condemnation. If less than 50 percent of the adjoining property is in Federal ownership, the government can only acquire, if necessary, up to 100 acres of land per river mile.

3(a) Q. How many total acres have been condemned, nationwide?

A. We have used condemnation on only two rivers:

- Condemnation for scenic easements on the Rio Grande was used in 1984 and 1986 for 3 tracts totaling 92.86 acres.

- Fee condemnation was used once in 1972 to acquire 44 acres on the Rogue River. Additionally, from 1979 to 1985, some 484 acres were condemned for scenic easements.

Bureauwide, some 621 acres in 30 tracts have been acquired using condemnation authority associated with Wild and Scenic Rivers.

3(b) Q. When was the last time condemnation was used?

A. The last time condemnation was used was 1985 to acquire tracts along the Rogue River.

4. Q. Please provide us with an understanding of how the agency negotiates scenic easements within a Wild and Scenic River.

A. Scenic easements are usually negotiated by BLM personnel who have formal training on techniques to acquire lands. Only after river values are threatened and negotiation breaks down would condemnation authority be pursued.

4(a). Q. Is it done on a willing-seller basis only? If not, how often is it not on a willing-seller basis?

A. Acquisition of scenic easements is permitted via condemnation and is not restricted to a willing-seller basis. Fortunately, BLM has only had to use condemnation on two rivers it administers. Condemnation is a last resort. Our first preference is on a willing-seller basis.

5. Q. How does the agency regulate private land in a river corridor?

A. It is not BLM's desire to unnecessarily interfere or regulate activities on private lands within a designated Wild and Scenic River corridor. In BLM's resource management planning process, the private landowner's concerns are considered and evaluated as to their compatibility with other resources within the corridor. If development of private land is clearly incompatible with the river, or key access points are absolutely necessary, BLM will try to negotiate with the landowner to see if he or she would be willing to sell a scenic easement. If willing, the owner would retain title and sell only certain developmental rights.

5(a). Q. Is trespassing allowed on private land if there is not scenic easement?

A. Trespassing by river users is discouraged by the managing agency. Maps, signs, and brochures are provided to direct recreational users to publicly-owned access sites. No public use of private land is allowed, unless the landowner grants permission.

5(b). Q. What restrictions are placed on the rights of private landowners?

A. No restrictions are placed on private landowners without his or her approval. If a private owner proposes a non-conforming use of his or her lands, BLM would seek a mutually agreeable remedy, including purchase of a scenic easement.

5(c). Q. How are public access needs determined?

A. Public access needs are determined through the resource management planning process, which involves full public participation. Where the majority of the user public is blocked from river access, access needs would be documented, alternatives identified, and accommodation of those needs provided through resource management objectives for the river. Often site specific management plans are drawn up for an area.

6. Q. Please give use a brief overview of timber management activities both within and outside of a Wild and Scenic River corridor.

A. As a general rule, timber management activities are more restrictive inside the corridor of a designated river and are dependent on the classification (wild, scenic, or recreational) category of which the river is designated. A "wild" river designation is the most restrictive, and a "recreational" designation is the least restrictive. Timber activities outside the corridor are allowed. However, where immediately adjacent to the corridor, they may be limited to prevent, for example, erosion and obvious impairment to the viewshed.

6(a). Q. Will clearcutting be allowed?

A. Clearcutting would be allowed outside the corridor, but may be limited immediately adjacent to the corridor, depending on the nature of the practice, season, physiographic and topographic features, impact on river values, weather, drought, and other factors.

6(b). Q. Will salvage operations be allowed?

A. Salvage operations may be allowed along adjacent lands outside the quarter-mile designated corridor, provided they do not cause erosion, and the protection of water quality, scenic, and wildlife values are assured. We also have a visual resource management program, which is applied along designated river corridors. Site specific timber management prescriptions are incorporated into the river management plan for the particular river.

6(c). Q. What timber management practices would be allowed?

A. Timber management practices allowed inside the corridor would include bank stabilization with natural materials, tree planting by hand using native species, and fire or insect suppression where necessary.

7. Q. Do you have any historical data that would indicate how river usage changes after a river has been designated in the Wild and Scenic System?

   — For example, do the rivers become more heavily used after designation?

   -- If you have this information, has it been communicated to your Forest Supervisors?

A. We do not have any historical data. However, river recreation use is generally increasing throughout the country.

8. Q. Has the agency had any experience with dealing with Indian lands on any rivers currently in the System? If so could you please provide us with an overview of how those segments are being managed?

A. No specific data is available. Any Indian treaty or property right will be recognized and would likely take precedence over wild and scenic river designation.

9. Q. Please provide us with a description of how the agency manages Wild and Scenic Rivers with respect to water rights and water appropriation.

A. Section 13(b) of the Wild and Scenic Rivers Act of 1968 states that designation has no effect on existing water rights. Any appropriation would be under State law. Applications for future water rights within a designated segment could be restricted in order to maintain enough water in a particular river for fish, wildlife, recreation, and scenery.

9(a). Q. Does designation in the System prevent all future water withdrawals within the designated segment? How about either above or below the designated segment? Are water impoundment facilities allowed above or below a designated segment.

A. Water withdrawal or impoundment facilities may be allowed above or below a designated segment. However, they may be subject to impacts on river values which led to its designation.

10. Q. Does the BLM have an opinion on the best use of the Klamath River Gorge? If so, what is it.

A. The Bureau of Land Management has completed land use planning for the Klamath River Canyon. The Management Framework Plan for the area was completed in 1981 with much public involvement and specified that the management of the public resources in the canyon managed by the Bureau would be for recreation and scenic purposes. A Recreation Area Management Plan was subsequently developed. Its objectives are to manage the area primarily to provide "semi-primitive motorized" opportunities. Management of these activities will emphasize floatboating, fishing and camping as well as those activities that occur in conjunction with these uses. Current management of the river is consistent with this plan.

11. Q. Please provide the Subcommitte with a description of how the agency manages lands adjacent to the quarter mile river corridors.

-- What types of activities are allowed relating to agriculture, new structures, timber management, etc.

--- How does the agency manage these lands for visual quality?

A. Activities such as logging, agricultural, and use of structures can continue along adjacent lands outside the quarter-mile designated corridor. However, this is provided they do not cause erosion, and the protection of water quality, scenic, and wildlife values are insured. We also have a visual resource management program which is implemented along a designated river corridor. Site specific management prescriptions are incorporated into the river management plan for the particular river. Differing restrictions are applied, depending on whether the classification is for wild, scenic or recreational. Generally speaking, the spectrum of more restrictive (wild) to less restrictive (recreational) would determine our recommendation for allowed activities along the river corridor.